

JOURNAL  
OF THE  
House of Representatives

OF THE  
STATE OF ALABAMA  
SESSION OF 1911

HELD IN THE CITY OF MONTGOMERY.  
COMMENCING

TUESDAY, JANUARY 10, 1911

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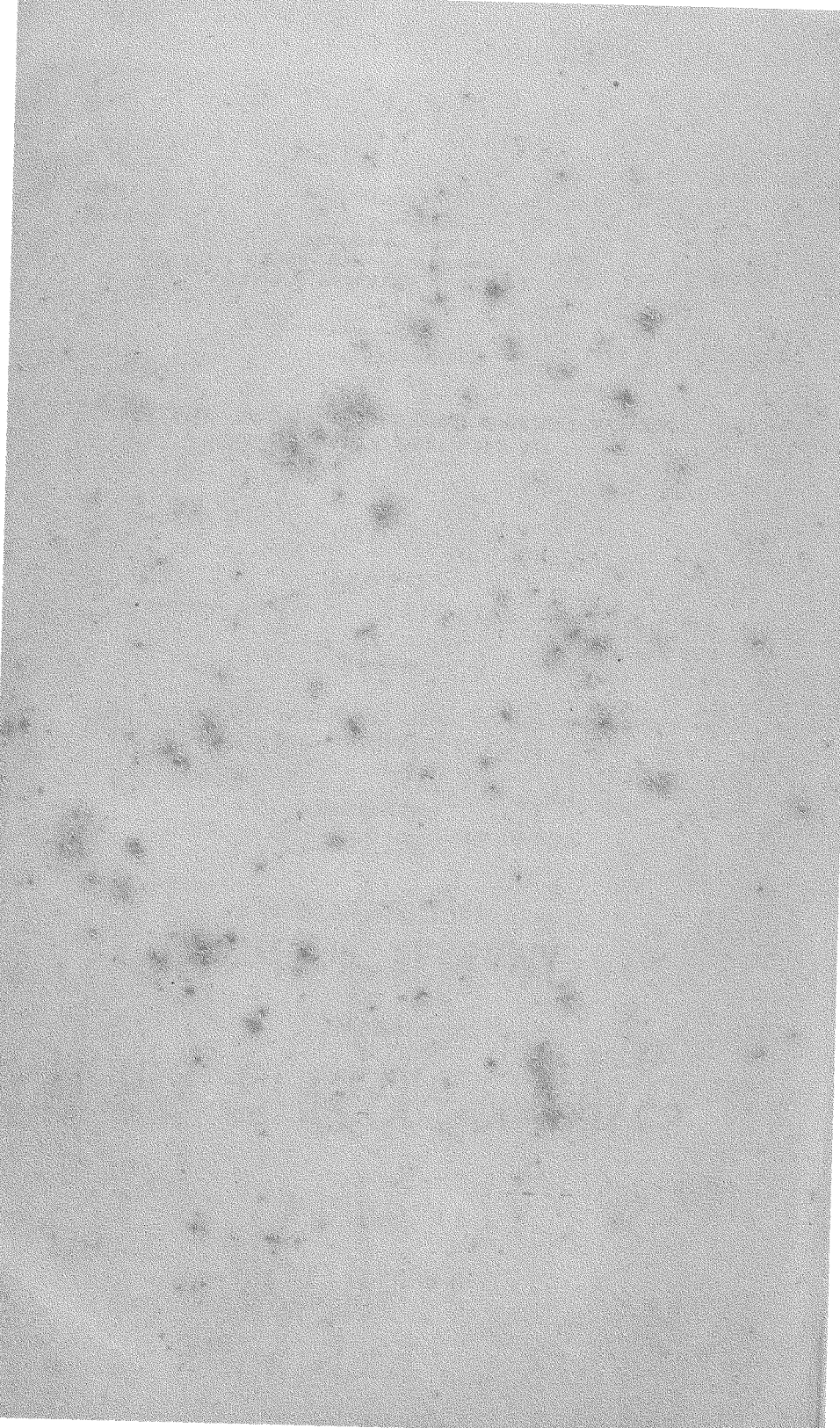
VOL. 2.

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WITH AN INDEX PREPARED BY  
THE CLERK OF THE HOUSE OF REPRESENTATIVES.

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BROWN PRINTING COMPANY,  
State Printers and Binders,  
Montgomery, Ala.  
1911.





JOURNAL  
OF  
House of Representatives  
OF THE  
STATE OF ALABAMA

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THIRTY-EIGHTH DAY.

House of Representatives.  
Tuesday, March 14th, 1911.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rabbi Moses of Mobile.

ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs:—

Speaker	Brown (Pike)	Cranford
Avery	Brown (Tuscaloosa)	Doswell
Barnard	Burton	Eastis
Bell (Autauga)	Bush	Edmonds
Bell (Pickens)	Butt	Flanagan
Brewer	Capps	Fletcher
Brindley	Carroll	Gewin
Boswell	Chamberlain	Greene

Griffith	Lloyd	Popwell
Helms	Lumpkin	Preston
Hollis (Walker)	Martin (Calhoun)	Pruett
Hood	Martin (Jackson)	Quinn
Horton	Mastin	Ramsey
Huddleston	Mathews	Rice
Jackson	Merrill	Richeson
<del>James</del>	<del>Merritt</del>	<del>Rylance</del>
Jenkins (Baldwin)	Milner	Sanders
Jenkins (Bullock)	Molton	Smith
Johnson (Clarke)	Mulkey	Strickland
Johnson (Elmore)	McCurdy	Stollenwerck
Johnson (Marshall)	McDonald	Sturdivant
Judge	McLendon	Sullivan
Kilburn	Nicholson	Thomas
Knight	O'Neill	Waddell
Lane	Overton	Waits
Lavender	Page	Walden
Lawler	Pharr	Whatley
Lawson	Pegram	Wilhite
Lee	Percy	Williams
Letson	Pitts	Wright

—90

A quorum was present.

## JOURNAL.

The chairman of the standing committee on the revision of the Journal, made the following report:

Mr. Speaker:

Your committee on the revision of the Journal, beg leave to report as follows:

We have examined the Journal for the 37th day, and find the same to be correct.

J. B. Rylance,  
Chairman.

The report of the committee was concurred in, and the Journal for the 37th day was approved.



## LEAVE OF ABSENCE.

Leave of Absence was granted to Messrs. Jones, Fuquay, Roberson, Dennis, Fowlkes, Walker, Twombly, for today, Mr. McGowen for one week, and to Mr. Wheelless indefinitely

## RESOLUTION.

Mr. Thomas offered the following resolution:

By Mr. Thomas:

H. R. 98. Whereas, Miss Jane Adams, of Hull House, Chicago, is now at Birmingham, Alabama, and purposes to remain for several days in the State.

Whereas, she is a philanthropist, settlement worker, and one of the world's great women who has given her fortune and her life for the betterment of the poor and weak of mankind,

Be it resolved, That she be invited by wire to address the Alabama Legislature at such time as she may find convenient.

And the resolution was referred to the standing committee on Rules.

By Mr. Mulkey:

H. R. 99. Resolved by the House of Representatives that House bill 601 be made a special order for Wednesday, the 15th, at 12 o'clock.

And the resolution was referred to the standing committee on Rules.

By Mr. Mulkey:

H. R. 100. Resolved by the House of Representatives that House bill 600 be made a special order for Friday, the 17th, at 12 o'clock m.

And the resolution was referred to the standing committee on Rules.

## BILLS ON SECOND READING.

Mr. Page, chairman of the standing committee on Military, reported that said committee in session has acted on the following bills and ordered same returned to the House with a favorable report:

S. 325. To protect and preserve military property, and to prevent improper use and disposition of such property and to provide penalties therefor.

S. 326. To regulate and provide for the volunteer military forces of the State of Alabama.

Mr. Whatley, chairman of the standing committee on ~~Agriculture, reported that said committee in session~~ has acted on the following bill and ordered same returned to the House with a favorable report:

H. 338. To amend sections 60 (406), 61 (407) and 67 (413) of the code of Alabama of 1907.

Mr. Thomas, chairman of the standing committee on Appropriations, reported that said committee in session has acted on the following bills and ordered same returned to the House with a favorable report:

H. 163. To aid and encourage technical education in the State of Alabama by providing increased facilities, buildings, and maintenance for the Alabama polytechnic institute.

H. 674. To establish a State school for teaching agriculture and domestic economy at Lineville, Alabama; to provide for the management and control thereof and to make appropriation to support said school.

H. 211. To provide for the holding of teacher's institutes for teachers in this State and to make necessary appropriations for the same.

H. 358. To provide for the further maintenance and support of the State normal school for colored students at Montgomery, Alabama.

H. 126. To make appropriation for buildings, machinery, equipment and other necessary improvements at the Alabama industrial school for white boys.

H. 537. To amend section five hundred and sixty-one of the code of Alabama.

H. 384. To make an appropriation for the maintenance and support of the Mercy Home Industrial School for girls located at Birmingham, Alabama, for the years 1911, 1912, 1913 and 1914, and also to provide for the commitment of delinquent white girls in Ala-



bama between the ages of 12 and 16 years inclusive by the courts of the State which may have jurisdiction over juvenile delinquents, and to provide for their control and support while there, and also to provide that the governor and the attorney general of the State shall be ex-officio members of the board of managers of said school.

H. 222. To establish and maintain a reformatory for the benefit of delinquent white females, under the name of the "Alabama Home of Refuge;" to provide for its government; to prescribe the conditions and rules for admission thereto, and the methods by which and the conditions upon which courts, judges or magistrates may commit such females to said home, and to make an appropriation therefor.

H. 650. To appropriate the sum of \$25,000 for the erection of a modern school building for the sixth congressional district agricultural school located at Hamilton. The present building having become inadequate for the necessities of the school.

H. 413. To appropriate the sum of \$7,500.00 for the completion of the school building of the Randolph county high school located at Wedowee; the main school building being destroyed by fire November 30th, 1910.

S. 160. To amend section 1941 of the code of Alabama of 1907.

Mr. Thomas, chairman of the standing committee on Appropriations, reported that said committee in session has acted on the following bills and ordered same returned to the House with a favorable report with amendment:

H. 139. To provide for the better equipment and support of the university of Alabama and to appropriate funds therefor.

H. 521. To amend section 733 of the code of 1907.

H. 408. To encourage the holding of State, district and county fairs in Alabama by appropriating funds for the payment of premiums for exhibit of agricultural products, live stock and poultry and to provide a

plan of awarding premiums and paying of the same by the State of Alabama for the exhibit of agricultural products, live stock and poultry produced, raised or bred in the State of Alabama.

H. 448. (With amendment.) To constitute the Corona normal and industrial institute for colored students near Corona, Walker county an experiment station ~~under the present board of trustees and appropriate~~ a thousand dollars per annum out of the treasury to the agricultural department not otherwise appropriated for the purpose of operating an experiment station in connection with said Corona normal and industrial institute.

H. 276. (With amendment.) To provide for the building and furnishing of class rooms, an assembly hall, laboratories, work shops and other buildings for the Alabama "Girls Technical Institute at Montevallo."

H. 65. (With amendment.) To appropriate \$80,000 for the aid of the State normal school at Jacksonville, Alabama.

H. 120. (With amendment.) To provide for the construction of additional buildings for the State normal college at Florence, Alabama, and to appropriate funds therefor.

H. 134. (With amendment.) To make appropriation for the support and maintenance of the southern industrial institute for white boys and girls at Camp Hill, Alabama, for the years 1911, 1912, 1913 and 1914.

H. 282. (With amendment.) To amend section 1861, 1862 and 1863 of the code of Alabama.

H. 646. (With amendment.) To appropriate \$25,000 to be used by the oyster commission of Alabama as provided for by law in fostering, protecting, improving, developing and regulating the oyster industry in Alabama in conserving the oyster resources of the State and in making the barren oyster bottom productive.

H. 127. (With amendment.) To make appropriation for the maintenance of the Alabama industrial school for white boys for the years 1911, 1912, 1913 and 1914.



H. 160. (With amendment.) To amend section one (1) of an act entitled an act to establish a normal school for education of white male and female teachers at Daphne, in Baldwin county, Alabama, approved March 4th, 1907.

H. 668. (With amendment.) To appropriate the sum of \$10,000 for the erection of a dormitory to be used by students of the fifth congressional district agricultural school located at Wetumpka, Alabama.

H. 349. (With amendment.) To appropriate money for the Alabama normal college of Livingston, Alabama.

H. 504. (With amendment.) To appropriate \$10,000 for the purpose of constructing and equipping a dormitory and constructing or improving other school and farm buildings for the ninth district agricultural school and experiment station at Blountsville, Alabama.

H. 401. (With amendment.) To appropriate \$10,000 for the purpose of building dormitories for the south east Alabama agricultural school and experimental station located in the third congressional district in Henry county at Abbeville, Alabama.

H. 507. (With amendment.) To appropriate \$10,000 for the purpose of constructing and equipping a dormitory and constructing or improving other school and farm buildings for the seventh district agricultural school and experiment station at Albertville, Alabama.

Mr. Thomas, chairman of the standing committee on appropriations, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute:

H. 362. (With substitute.) To appropriate out of any funds of the State not otherwise appropriated, the sum of \$42,000 to be used for the purpose of erecting a dormitory for the State normal college situated at Troy, Alabama.

H. 470. (With substitute.) To make an appropriation for the extension, enlargement or improvement of

the State Capitol building, the furnishing of the same and to provide a building commission to have control and supervision thereof.

Mr. Mulkey, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bill and ordered same ~~returned to the House with a favorable report with~~ amendment:

H. 433. (With amendment.) To detach Washington county from the thirteenth judicial circuit and to attach it to the first judicial circuit of Alabama, and to fix the times of holding the terms of the circuit court for said county.

Mr. Wright, acting chairman of the standing committee on Corporations, reported that said committee in session has acted on the following bill and ordered same returned to the House with a favorable report:

S. 268. To amend section 3499 of the code.

The above and foregoing bills were severally read a second time, and placed on the calendar.

#### BILLS REPORTED ADVERSELY.

Mr. Thomas, chairman of the standing committee on Appropriations, reported that said committee in session has acted on the following bills and ordered same returned to the House with an adverse report:

H. 85. To appropriate out of any funds of the State not otherwise appropriated, the sum of \$17,000 to be used for the purpose of aiding in the erection of a dormitory for the State normal college situated at Troy, Alabama.

H. 195. To make an appropriation for the maintenance of the Mercy Home Industrial School for Girls, located at Birmingham, Alabama, for the years, 1911, 1912, 1913, and 1914; and also to make an appropriation for the erection of an additional building for said school.



H. 405. To amend sections 1861, 1862 and 1863 of the code of Alabama.

H. 366. To appropriate \$1,000 each to each of the high schools heretofore established in the several counties of this State, where such schools have been established and are now being maintained.

H. 398. To appropriate \$2,000.00 per annum to the public school fund of each county of the State entitled to a high school and to the appropriation provided for a high school as provided by an act of the Legislature, approved August 7th, 1907, entitled, "an act to provide for the establishment of high schools in this State and to make appropriation for said school" where such county has not had the benefit of such appropriation though entitled thereto.

H. 569. To make an appropriation for the maintenance and support of the mercy home industrial school for girls located at Birmingham, Alabama, for the years 1911, 1912, 1913 and 1914; and also to provide for the commitment of delinquent white girls in Alabama between the ages of twelve and sixteen years, inclusive, by the courts of the State which may have jurisdiction over juvenile delinquents, and to provide for their control and support while there; and also to provide that the governor and the attorney general of the State shall be ex-officio members of the board of managers of said school.

#### INTRODUCTION OF BILLS.

On a call of the counties, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Jackson:

H. 695. To fix and provide for the payment of salaries of judges of law and equity courts, city courts and other courts of record, of general common law, equity and criminal jurisdiction heretofore established in counties not included in any judicial circuit or chan-

cery division, so far as the same are paid out of the State treasury.

Judiciary.

By Mr. Bell of Autauga. (Notice and proof.)

H. 696. To require the board of revenue or court of county commissioners of Autauga county to publish reports of its proceedings quarterly in some newspaper published in said county.

Local Legislation.

Notice and proof H. 696.

NOTICE.

Notice is hereby given that at the present session of the Legislature of Alabama a bill will be introduced for passage requiring the board of revenue of Autauga county to publish reports of its proceedings quarterly in some newspaper published in said county; said reports to contain a statement of all receipts and expenditures, and a statement of all important resolutions or transactions.

State of Alabama, }  
Autauga County. }

Before me, Lottie Woodward, a notary public in and for said State and county, this day personally appeared Chas. T. Kent, who being by me first duly sworn, deposes and says: That he is the manager of the Prattville Progress, a newspaper, published weekly in said county of Autauga, and that the above and foregoing notice of the intention to introduce in the Legislature has appeared in said paper for three consecutive weeks, the first publication beginning on February 23rd, 1911.

Chas. T. Kent,  
Manager.

Subscribed and sworn to before me, this 11th day of March, 1911.

Lottie Woodward,  
Notary Public.

By Mr. Jenkins of Baldwin. (Notice and proof.)

H. 697. To provide for the further protection of fish and to prevent the taking or catching of fish except with hook and line or with spear, cast net or gig in any lake, river, creek, stream, lagoon or bayou in Baldwin county, Alabama, except that portion of said county which lies south of the northern boundary line of township 8 south and west of the western boundary line of range 4 east, and Weeks Bay and that portion of streams emptying into Weeks Bay one mile from the mouth thereof, and except Bon Secour Bay and the streams emptying into Bon Secour Bay two miles from the mouth thereof, and except Bon Secour River below Childress' Store; and to provide penalties for the violation of this act.

Revision of Laws.

Notice and proof H. 697.

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama which convened on the second Tuesday of January, 1911, for the passage of an act in substance as follows:

TO BE ENTITLED AN ACT

To provide for the further protection of fish and to prevent the taking or catching of fish except with hook and line or with spear, cast net or gig in any lake, river, creek, stream, lagoon or bayou in Baldwin county, Alabama, except that portion of said county which lies south of the northern boundary line of township 8 south and west of the western boundary line of range 4 east, and Weeks Bay and that portion of streams emptying into Weeks Bay one mile from the mouth thereof, and except Bon Secour Bay and the streams emptying into Bon Secour Bay two miles from the mouth thereof, and except Bon Secour River below Childress' Store; and to provide penalties for the violation of this act.

Section 1. *Be it enacted by the Legislature of Alabama,* That it shall be unlawful for any person to use any net, seine or substitute for the same, except cast net, for the purpose of catching or attempting to catch or take fish in any of the rivers, lakes, creeks, streams, lagoons or bayous of Baldwin county, Alabama, emptying into salt or tide waters; that fish can only be taken in waters emptying into salt or tide waters in said county by means of ordinary hook and line, trot-line, spear, cast net or gig; Provided, that it shall be lawful for any person to use hoop nets in which bait is used to attract fish in the navigable rivers of said county upon which passenger or freight steam packets or boats regularly ply; and provided, further, that it shall be lawful to take fish from pools or running streams during those periods of the year when such streams cease to run. Any persons violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each offense.

Sec. 2. That it shall be unlawful for any person to use in the salt or tide waters of said county any seine or net having a mesh of less than two inches when stretched; Provided, that this shall not apply to persons using cast nets or what are ordinarily termed shrimp nets or crab nets. Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each offense.

Sec. 3. That it shall be unlawful for any person to stretch a seine across the mouth of any river, lake, creek, stream, lagoon or bayou emptying into salt or tide waters of this State. Any person who violates the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each offense.

Sec. 4. That the provisions of this act shall not apply to that territory lying and being in said county

which lies south of the northern boundary line of township 8 south, and west of the western boundary line of range 4 east, nor to Weeks Bay, and provided further, that that portion of streams emptying into Weeks Bay, one mile from the mouth thereof, is exempted from the provisions of this act; and provided further, that the provisions of this act shall not apply to Bon Secours Bay and the streams emptying into Bon Secour Bay two miles from the mouth thereof, nor to Bon Secour River below Childress' Store.

Sec. 5. That all fines and penalties collected under the provisions of this act shall be paid as follows:

In cases where the prosecution is commenced by affidavit and warrant, one-half of such fines shall be paid to the person making the affidavit upon which the warrant of arrest is issued; or in cases of prosecution by indictment where the prosecution did not begin by affidavit and warrant, one-half of such fines and penalties shall be paid to the prosecutor; and the other one-half of such fines and penalties shall be paid to the county game and fish warden for Baldwin county; but in the event the prosecution is commenced upon affidavit made by such county game and fish warden, and in cases where such county game and fish warden is also the prosecutor before the grand jury, then all such fines and penalties shall be paid to such county game and fish warden.

Sec. 6. That all laws and parts of laws, whether general, local, or special, in conflict with the provisions of this act be, and the same are hereby repealed.

Sec. 7. That this act shall become effective on and after its passage and approval by the governor.

The State of Alabama, }  
Baldwin County. }

W. G. Hall, being duly sworn, deposes and says that he is the publisher of The Baldwin Times, a weekly newspaper published at Bay Minette, Baldwin county, Alabama, that the notice of bill to be introduced in Legislature, a copy of which is hereto attached, was



printed in said paper for four consecutive weeks, beginning with the issue dated 9th day of February, 1911.

W. G. Hall.

Subscribed and sworn to before me, this 10th day of March, 1911.

J. H. H. Smith,  
Judge of Probate.

By Mr. Jenkins of Baldwin:

H. 698. To amend an act entitled an act for the preservation and protection of the public oyster reefs and beds in the waters of Alabama; to provide for the establishment of a board of oyster commissioners, to prescribe their duties and provide for their compensation; to regulate the manner of taking and catching oysters on such public reefs and private bedding grounds, and to prescribe the measure of oysters in the shell; to prescribe license fees for boats engaged in taking and catching oysters, to fix and prescribe a tax upon oysters canned and packed in this State; to provide for the protection and patrol of oyster grounds, and to provide for the leasing of water bottoms owned by the State; to fix penalties for violations of any of the provisions of this act; and to create the oyster protection fund for moneys arising under the provisions of this act, for the purpose of defraying the expenses of the oyster commission, and generally to regulate and control the oyster industry and matters connected therewith. Approved August 27th, 1909.

Revision of Laws.

By Mr. Almon:

H. 699. To amend sections 4031 and 4032 of the code of Alabama.

Revision of Laws.

By Mr. Richeson. (Notice and proof.)

H. 700. To repeal an act entitled "An act to provide for the better construction, repairing, working, and maintaining the public roads and bridges in Franklin county, Alabama," approved July 31, 1907.

Local Legislation.

Notice and proof H. 700.

NOTICE.

Notice is hereby given that a bill will be introduced in this session of the Legislature to repeal an act entitled "An act to provide for the better construction, repairing, working and maintaining the public roads and bridges in Franklin county, Alabama, approved July 31, 1907.

State of Alabama, }  
Franklin County. }

I, John C. Norwood, editor, publisher and proprietor of the Franklin Times, a newspaper published weekly in the town of Russellville in said county and State, hereby certify that the notice hereto attached was published for four consecutive weeks in said newspaper.

John C. Norwood,  
Editor and Proprietor.

Sworn to and subscribed before me, this March 9th, 1911.

Henry D. Jones,  
Notary Public.

By Mr. Richeson. (Notice and proof.)

H. 701. To repeal an act entitled "An act to amend an act to provide for the better construction, repairing, working, and maintaining the public roads and bridges in Franklin county," approved July 31, 1907; approved August 20th, 1909.

Local Legislation.

Notice and proof H. 701.

NOTICE.

Notice is hereby given that a bill will be introduced at this session of the Legislature to repeal an act entitled : An act to amend an act to provide for the bet-

ter construction, repairing, working and maintaining the public roads and bridges in Franklin county, approved July 31, 1907, approved August 20, 1909.

The State of Alabama, }  
Franklin County. }

I, John C. Norwood, editor and proprietor of the Franklin Times, a newspaper published weekly in the town of Russellville in said county and State, hereby certify that the notice hereto attached was published for four consecutive weeks in said newspaper.

John C. Norwood,  
Editor and Proprietor.

Sworn to and subscribed before me, this 9th day of March, 1911.

Henry D. Jones,  
Notary Public.

By Mr. Judge. (Notice and proof.)

H. 702. To authorize and require the clerk of the criminal court of Jefferson county to make and keep a record of all affidavits and warrants returnable to said court for trial; to fix fees for such services and to authorize trials upon certified copies of affidavits lost, destroyed or misplaced.

Local Legislation.

Notice and proof H. 702.

#### NOTICE.

Notice is hereby given that a bill will be introduced in the present session of the Legislature, to authorize and require the clerk of the criminal court of Jefferson county, to make and keep a record of all affidavits and warrants returnable to said court for trial.

Sec. 1. Provides that the clerk of the criminal court of Jefferson county shall make and keep a copy of all affidavits and warrants filed for trial in said court.

Sec. 2. Regulates and fixes the fees therefor.

Sec. 3. Authorizes the trial of cases on certified copies of affidavits and warrants.

State of Alabama, }  
Jefferson County. }

Personally appeared before me, W. P. McCrossin, a notary public in and for said county and State, J. H. F. Mosley, who being first duly sworn, on oath says: That he is the editor and publisher of the Labor Advocate; that said Labor Advocate is a weekly newspaper published in the city of Birmingham, Jefferson county, Alabama; that the notice or advertisement hereto attached and made a part hereof, was inserted and published in said Labor Advocate once a week for four consecutive weeks prior to the date hereof, said notice or advertisement appearing and being published in the issue of said paper on the following dates, to-wit: Feb. 3rd, 1911; Feb. 10th, 1911, and Feb. 17th, 1911.

J. H. F. Mosley.

Sworn to and subscribed before me, this the 13th day of March, 1911.

W. P. McCrossin,  
Notary Public.

By Mr. McCurdy:

H. 703. To prohibit judges of courts and justices of the peace and notaries public with ex-officio powers of justices of the peace, from sentencing persons convicted of misdemeanors in their respective courts to imprisonment in the county jail.

Judiciary.

By Mr. Arnold:

H. 704. To amend section 1769 of the code of 1907, so as to read as follows:

Education.

By Mr. Sullivan. (Notice and proof.)

H. 705. To provide for and regulate the purchase of books, printing, stationery, materials and supplies for the officers of Mobile county, the cost of which is now or may hereafter be made a charge upon said county.

Judiciary.

## Notice and proof H. 705.

## NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama, at its present session to pass a bill to be entitled: "An act to provide for and regulate the purchase of books, printing, stationery, materials and supplies for the officers of Mobile county, the cost of which is now, or may hereafter, be made a charge upon said county."

The substance of the proposed law is stated as follows:

Section 1. From the passage of the act the board of revenue and road commissioners of Mobile county, Alabama, is alone authorized and empowered to contract for the purchase of all books, printing, stationery, materials and other supplies for the use of the officers of said county, the cost of which is now, or may hereafter, be made a charge upon the county.

Sec. 2. Each county officer is required to file with said board a list of all such supplies purchased for his office during 1910, together with detailed list of such supplies as will, in his opinion, be necessary for his office during 1911; and the county treasurer shall file with said board a list of all claims for such supplies purchased during 1910.

Sec. 3. The board shall prepare specifications for such supplies necessary for 1911, being authorized to procure a stationer to assist in the preparation of such specifications, which shall provide that the quantities specified are approximate only, the county having the right to purchase any part of that specified and to buy additional quantities at the same prices. Specifications shall be printed and distributed among all applicants and bids shall be called for the materials specified to be furnished during the year 1911; notice of the call for bids to be given by publication for four weeks in a newspaper in Mobile, and the bids shall be received and held secret by the clerk of the board until the day set for their consideration, when the board shall open

them, record them upon its minutes and consider them, and award the contract or contracts for furnishing such supplies to the lowest and best bidder therefor whom it deems responsible, the board having the right to reject any or all bids, and to accept them in whole or in part, as to the board may seem to the best interest of the county.

Sec. 4. Contract or contracts with successful bidder or bidders shall be executed by the president of the board, and all such supplies shall be purchased from the contractor therefor, so long as he is willing and able to comply with his contract.

Sec. 5. County officers shall make requisition upon the board for such supplies as they are needed, and the board shall order their supplies from the contractor therefor, specifying when they shall be furnished; the orders may be given by mail to the contractor, who within three days thereafter may ask for further time than that specified in which to deliver the supplies ordered, and the board may allow him additional time. Contractor's failure to furnish the supplies subjects him to a penalty of one dollar for each day of delay and to abrogation of his contract, he being liable for all damages to the county for his failure. If it is impracticable to procure the supplies from the contractor when needed, the board is authorized to procure them elsewhere.

Sec. 6. The county shall not be liable or pay for any such supplies unless purchased according to this act.

Sec. 7. In January of each year said board shall specify supplies needed for that year, call and advertise for bids, award and execute contracts therefor, as prescribed for the year 1911.

Sec. 8. The expenses of executing the act shall be allowed by said board and paid by the county.

Sec. 9. Said board may make rules and regulations for the furnishing of such supplies, and may alter the same.

Sec. 10. All laws in conflict with this act are repealed.

State of Alabama, }  
 Mobile County. }

Before me, Clara M. Stokes, a notary public in and for said State and county, personally appeared R. G. Rapier, who being by me first duly sworn, stated that he is the secretary and treasurer for The Mobile Register, Inc., publisher of The Mobile Register, a newspaper published in said county, and that the foregoing notice of the intention to apply for the passage of the local law therein mentioned was published without cost to the State in said county once a week for four consecutive weeks in said newspaper, which was published in said county daily during the months of January and February, 1911, the foregoing notice being published in full in the issues of said paper of the dates of January, 25, February 1, 8 and 15, 1911.

R. G. Rapier.

Subscribed and sworn to before me, this 9th day of March, 1911.

Clara M. Stokes,  
 Notary Public, Mobile County, Ala.

By Mr. Sullivan. (Notice and proof.)

H. 706. To amend an act entitled "An act to provide for the more efficient working of the public roads in Mobile county, and certain streets and public thoroughfares in the city of Mobile; to provide for the control, working, building, maintenance and improvement of the same by the board of revenue and road commissioners of Mobile county; to prescribe the duties and fix the authority of said board; provide for the levy and collection of the road tax and the method of disbursing monies necessary to carry out the provisions of this act and provide penalties for violations of its provisions," approved August 2nd, 1907.

Judiciary.

Notice and proof H. 706.

NOTICE.

Notice is hereby given that a bill will be introduced at the current session of the Legislature of Alabama to amend an act entitled "An act to provide for the more efficient working of the public roads in Mobile county," etc., which was approved August 2, 1907, and published in the local acts of 1907, page 727, as follows:

Said bill will amend said act substantially as follows:

1. To provide for the appointment of one enumerator instead of two in each precinct.
2. To provide that if any person liable to road duty fails to pay on or before the last day of March of the road year in which he is so liable, the sum of \$2.00, or after the last day of March and before being notified to work the road, the sum of \$2.25; or after the last day of March and after being notified to work the road, and on or before the day he is by such notice required to appear and work the road, the sum of \$2.50; and shall fail to work the road when notified, then no subsequent payment by him shall exempt him from road duty or the legal penalties of his failure to work the road.
3. To provide that collectors of the road fund shall receive, as compensation for their services, such amount as the board of revenue and road commissioners of said county may agree to pay, not to exceed 20 per cent. of the amount collected by them.
4. To authorize said board to purchase or hire teams or other conveyances necessary for the inspections of the roads, and to require said county to pay the reasonable cost thereof.
5. To provide that the president of said board shall direct the inspections of the roads, streets and thoroughfares required by said act to be made semi-annually by three members of said board, designating in writing the time and route of the inspections and the members who shall make them.



State of Alabama, }  
 Mobile County. }

Before me, Clara M. Stokes, a notary public in and for said State and county, personally appeared R. G. Rapier, who being by me first duly sworn, stated that he is the secretary and treasurer for The Mobile Register, Inc., publisher of The Mobile Register, a newspaper published in said county, and that the foregoing notice of the intention to apply for the passage of the local law therein mentioned was published without cost to the State in said county once a week for four consecutive weeks in said newspaper, which was published in said county daily during the month of February, 1911, the foregoing notice being published in full in the issues of said paper of the date of February 7, 14, 21 and 28, 1911.

R. G. Rapier.

Subscribed and sworn to before me, this 9th day of March, 1911.

Clara M. Stokes,  
 Notary Public, Mobile County, Ala.

By Mr. Walden:

H. 707. To provide for the examination of the pension roll and the books and records of the officers disbursing pension warrants and the purging of said pension roll.

Soldiers Home and Pensions.

By Mr. Walden:

H. 708. To amend section 1128 of the code of Alabama.

Municipal Organization.

By Mr. James:

H. 709. To provide for the disposition of the property of educational corporations whose stockholders are unknown or where the amount or number of shares are unknown.

Corporations.

By Mr. Sturdivant. (Notice and proof.)

H. 710. To authorize the county of Shelby, State of Alabama, to issue long time interest-bearing warrants

to an amount not exceeding thirty thousand dollars for the purpose of funding its outstanding indebtedness and the accrued interest thereon.

Local Legislation.

Notice and proof H. 710.

#### NOTICE.

Notice is hereby given that a bill will be introduced in the present session of the Legislature authorizing Shelby county to issue long time warrants, not exceeding (\$30,000) thirty thousand dollars, to fund its outstanding indebtedness and the accrued interest thereon.

The State of Alabama, }  
Shelby County. }

Before me, this 3rd day of March, 1911, personally appeared J. F. Norris, editor and proprietor of the Peoples Advocate, who being duly sworn deposeth and saith that he is the editor and proprietor of the Peoples Advocate, a newspaper published in Shelby county, Alabama, and that the above and foregoing notice was published in the Peoples Advocate for three successive weeks, in its issues of February 2nd, 9th, 16th, and 23d, 1911.

J. F. Norris.

Sworn to and subscribed before me, this 3rd day of March, 1911.

A. P. Longshore,  
Judge of Probate.

By Mr. Rice:

H. 711. To amend section 2272 of the code of Alabama.

Ways and Means.

By Mr. Rice:

H. 712. To amend section 2167 of the code.

Ways and Means.

By Mr. Rice:

H. 713. To prevent the exhibition or display of train robberies, burglaries, safe blowing, hold-ups, mur-

ders or other scenes of crime by moving picture machines in any public place.

Temperance.

By Mr. Cranford (notice and proof):

H. 714. To allow the constable in beat 13, of Walker county, Alabama, to appoint deputies.

Local Legislation.

Notice and proof, H. 714.

#### NOTICE.

Notice is hereby given that the following bill will be introduced in the Legislature of Alabama, during the present term of the same, with the purpose of having the same passed and become a law:

#### AN ACT

To allow the constable in beat 13, of Walker county, Alabama, to appoint deputies:

Section 1. *Be it enacted by the General Assembly of Alabama*, That the bonded constable of beat 13, in the county of Walker, Alabama be and he is hereby authorized and empowered to appoint one or more deputies with like powers and duties as himself.

Sec. 2. *Be it further enacted*, That said constable shall be responsible for the official acts of the deputy or deputies appointed by him as the sheriff of the several counties of the State are responsible for the official acts of deputies appointed by them.

Sec. 3. *Be it further enacted*, That the constable of said beat 13, of Walker county, shall have authority to take the bond of any deputy appointed by him according to the provisions of this act, payable to himself, conditioned that the said deputy shall faithfully perform the duties as deputy constable.

Sec. 4. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

The State of Alabama, }  
Walker County. }

Before me, Francilla Haley, a notary public, in and for said State and county, personally appeared J. R. Gunter, editor of The Mountain Eagle, a newspaper, published weekly in Jasper, Alabama, who being duly sworn, deposes and says that the attached notice appeared in said newspaper for four consecutive weeks, commencing on the 15th day of February, 1911.

J. R. Gunter.

Sworn to and subscribed before me this 11th day of March, 1911.

Francilla Haley,  
Notary Public.

By Mr. Pegram (notice and proof) :

H. 715. To provide for the compensation of State witnesses in Marengo county.

Local Legislation.

Notice and proof, H. 715.

State of Alabama, }  
Marengo County. }

Before me I. I. Canterbury, a notary public in and for said State and county, personally appeared Lamar Matkin, whom being by me first duly sworn, deposes and says: That he is the manager of the Democrat-Reporter, a newspaper published at Linden, in said county and State, and that the notice hereto attached was published for four consecutive weeks in said paper as follows, to wit: Beginning on January 26th and including February 16th, 1911.

Lamar Matkin.

Sworn to and subscribed before me this 4th day of March, 1911.

I. I. Canterbury,  
Notary Public.

## NOTICE.

Notice is hereby given that a bill will be introduced in the present session of the Legislature of Alabama, to fix the compensation of State's witnesses in attendance upon the circuit court and Marengo law and equity court of Marengo county, Alabama, at fifty cents per day, and five cents per mile for each mile travelled one way, and to provide for the payment of same in cash.

A Citizen.

By Mr. Pegram (notice and proof) :

H. 716. To provide that the clerk of the circuit court of Marengo county shall be clerk of the Marengo law and equity court for the term for which he was elected clerk of the circuit court of Marengo county at the general election of 1910, and to provide for the qualification and election of clerks in the Marengo law and equity court after the expiration of the present term.

Local Legislation.

Notice and proof, H. 716.

State of Alabama, }  
Marengo County. }

Before me I. I. Canterbury, a notary public in and for said State and county, personally appeared Lamar Matkin, whom being by me first duly sworn, deposes and says: That he is the manager of the Democrat-Reporter, a newspaper published at Linden, in said county and State, and that the notice hereto attached was published for four consecutive weeks in said paper as follows, to wit: Beginning on January 26th and including February 16th, 1911.

Lamar Matkin.

Sworn to and subscribed before me this 4th day of March, 1911.

I. I. Canterbury,  
Notary Public.

## NOTICE.

Notice is hereby given that a bill will be introduced in the present session of the Legislature of Alabama, providing that the clerk of the circuit court of Marengo county shall be clerk of the Marengo law and equity court for the term for which he was elected clerk of the circuit court of Marengo county at the general election in 1910, and to provide for the qualification and election of clerks of the Marengo law and equity court after the expiration of the present term.

A Citizen.

By Mr. Pegram (notice and proof):

H. 717. To dispense with grand juries in the circuit court of Marengo county, Alabama, and to provide that petit juries shall not be drawn for said court except upon recommendation made by the sheriff, circuit clerk, and judge of the marengo law and equity court.

Local Legislation.

Notice and proof, H. 717.

## NOTICE.

Notice is hereby given that a bill will be introduced in the present session of the Legislature of Alabama to dispense with grand juries in the circuit court of Marengo county, Alabama and to provide that petit juries shall not be drawn for said court except upon recommendation, for same being to the judge of the circuit court in writing, not less than six weeks before such court shall convene by the sheriff, circuit clerk, and judge of the Marengo law and equity court.

Citizen.

State of Alabama, }  
Marengo County. }

Before me I. I. Canterbury, a notary public in and for said State and county, personally appeared Lamar Matkin, whom being by me first duly sworn, deposes and says: That he is the manager of the Democrat-Reporter, a newspaper published at Linden, in said county and State, and that the notice hereto attached was

published for four consecutive weeks in said paper as follows, to-wit: February 9th, and including March 2nd, 1911.

Lamar Matkin.

Sworn to and subscribed before me this 4th day of March, 1911.

I. I. Canterbury,  
Notary Public.

By Mr. Pegram (notice and proof) :

H. 718. To dispose of the fine and forfeiture fund in Marengo county and to provide for the payment of all claims which are by law a charge against said fund.  
Local Legislation.

Notice and proof, H. 718.

NOTICE.

Notice is hereby given that a bill will be introduced in the present session of the Legislature of Alabama to cover the fine and forfeiture fund of Marengo county into the general fund of said county and to provide for the payment of all claims which are by law a charge against said fund, and to require the county treasurer to keep a separate account of such fine and forfeiture fund, so that the lawful claims against said fund may be paid as follows:

(1). Fees of the solicitor of the Marengo law and equity court.

(2). Witness certificates which have not been transferred.

(3). Fees of the sheriff; clerk of the Marengo law and equity court and of the circuit clerk.

(4). Witness certificates that have been transferred or assigned.

(5). Other registered claims against the fine and forfeiture funds in the order of the priority of their registration.

A Citizen.

State of Alabama, }  
 Marengo County. }

Before me I. I. Canterbury, a notary public in and for said State and county, personally appeared Lamar Matkin, whom being by me first duly sworn, deposes and says: That he is the manager of the Democrat-Reporter, a newspaper published at Linden, in said county and State, and that the notice hereto attached was published for four consecutive weeks in said paper as follows, to wit: Beginning on January 26th and including February 16th, 1911.

Lamar Matkin.

Sworn to and subscribed before me this 4th day of March, 1911.

I. I. Canterbury,  
 Notary Public.

By Mr. Pegram (notice and proof):

H. 719. To detach Marengo county from the first judicial circuit and to transfer the cases pending in the circuit court of Marengo county, and the jurisdiction to try and determine the same to the Marengo law and equity court, and to repeal conflicting laws.

Local Legislation.

Notice and proof, H. 719.

State of Alabama, }  
 Choctaw County. }

Before me O. C. Ulmer, a notary public, in and for said State and county personally appeared R. N. Moody, who being by me first duly sworn, deposes and says: That he is the manager of the Choctaw Advocate, a newspaper, published at Butler, Alabama, in said county and State, and that the notice hereto attached was published for four consecutive weeks in said paper as follows, to-wit: Jan. 25th, Feb. 1st, Feb. 8th, Feb. 15th, 1911.

R. N. Moody.

Sworn to and subscribed before me this 4th day of March, 1911.

O. C. Ulmer,  
 Notary Public.



## NOTICE.

Notice is hereby given that a bill will be introduced in the present session of the Legislature of Alabama, to detach Marengo county from the first judicial circuit of Alabama, and transfer the cases pending in the circuit court of Marengo county and the jurisdiction ~~to try and determine the same to the Marengo law and equity court of Marengo county, Alabama, and to repeal conflicting laws.~~

State of Alabama, }  
Clarke County. }

Before me, Jesse V. Bayler, a notary public, in and for said State and county, personally appeared A. B. Tucker, whom being by me first duly sworn, deposes and says: That he is the manager of the Thomasville Echo, a newspaper, published at Thomasville, in said county and State, and that the notice hereto attached was published for five consecutive weeks in said paper as follows, to-wit: Jan. 26, Feb. 2, Feb. 9, Feb. 16 and Feb. 23.

A. B. Tucker.

Sworn to and subscribed before me this 6th day of March, 1911.

Jesse V. Bayler,  
Notary Public Clarke County, Ala.

## NOTICE.

Notice is hereby given that a bill will be introduced in the present session of the Legislature of Alabama, to detach Marengo county from the first judicial circuit of Alabama, and transfer the cases pending in the circuit court of Marengo county and the jurisdiction to try and determine the same to the Marengo law and equity court of Marengo county, Alabama, and to repeal conflicting laws.

State of Alabama, }  
 Monroe County. }

Before me Q. Salter, a notary public, in and for said State and county personally appeared Q. Salter, whom being by me first duly sworn, deposes and says: That he is the manager of the Monroe Journal, a newspaper published at Monroeville, in said State and county, and that the notice hereto attached was published for four consecutive weeks in said paper as follows, to wit: Beginning Feb. 5th, 1911, ending March 2nd, 1911.

Q. Salter.

Sworn to and subscribed before me this 4th day of March, 1911.

D. M. Maxwell,  
 Notary Public.

#### NOTICE.

Notice is hereby given that a bill will be introduced in the present session of the Legislature of Alabama, to detach Marengo county from the first judicial circuit of Alabama, and transfer the cases pending in the circuit court of Marengo county and the jurisdiction to try and determine the same to the Marengo law and equity court of Marengo county, Alabama, and to repeal conflicting laws.

State of Alabama, }  
 Marengo County, }

Before me, I. I. Canterbury, a notary public, in and for said State and county, personally appeared Lamar Matkin, whom being by me first duly sworn deposes and says: That he is the manager of the Democrat-Reporter, a newspaper published at Linden, in said county and State, and that the notice hereto attached was published for four consecutive weeks in said paper as follows, to-wit: Jan. 26th, and including Feb. 16th, 1911.

Lamar Matkin.

Sworn to and subscribed before me this 4th day of March, 1911.

I. I. Canterbury,  
Notary Public.

NOTICE.

~~Notice is hereby given that a bill will be introduced~~  
in the present session of the Legislature of Alabama, to detach Marengo county from the first judicial circuit of Alabama, and transfer the cases pending in the circuit court of Marengo county and the jurisdiction to try and determine the same to the Marengo law and equity court of Marengo county, Alabama, and to repeal conflicting laws.

By Mr. Horton (notice and proof) :

H. 720. For the relief of Glidewell Brothers, to reimburse them for material furnished and labor performed for the completion of the eighth district agricultural school building located at Athens, Limestone county, Alabama, on account of the deficiency in the appropriation of the Legislature of Alabama for the erection of said building.

Appropriations.

Notice and proof, H. 720.

NOTICE.

Notice is hereby given that we, Glidewell Brothers, building contractors, formerly of Fayetteville, Tennessee, will apply to the Legislature of Alabama for the passage of an act for our relief to reimburse us for material furnished and labor performed for the completion of the eight district agricultural school building located at Athens, Alabama, on account of the deficiency in the appropriation by the Legislature of Alabama for the completion of said building, we having been duly and regularly employed and contracted with for the erection of said building by L. C. Hightower, and C. E. Frost, of Athens, Alabama, constituting a

building committee duly selected for the purpose, and having completed said building by performing labor, and furnishing material amount in value to five hundred and ninety-five dollars, over and above the amount appropriated for said building by the Legislature of Alabama, it being necessary and essential to complete said building in order that the same might be devoted to the uses for which it was designated, and said building thus completed by us having been delivered to and accepted by the State of Alabama, and the said building committee having given to us their note as such committee, for the payment of said sum of five hundred and ninety-five dollars, with interest thereon, from May 19th, 1908, due Oct. 1st, 1908, including 10 per cent attorney's fees for collection which sum, and no part thereof has been paid.

Glidewell Brothers.

By Sanders and Thach, Attorneys.

The State of Alabama, }  
Limestone County. }

Personally appeared before me, Myrtle Simmons, a notary public in and for said county and State, R. H. Walker, the owner and publisher of the Limestone Democrat, a weekly newspaper, published in Athens, Limestone county, Alabama, who, being duly sworn, states that the annexed publication has been regularly made once a week for four consecutive weeks in the Limestone Democrat, a weekly newspaper published in the town of Athens, said county and State, the first insertion of said notice having been made on the 16th day of February, 1911, and the last insertion thereof having been made on the 9th day of March, 1911.

R. H. Walker,  
Owner and Publisher of the Limestone Democrat.

Sworn to and subscribed before me this the 9th day of March, 1911.

Myrtle Simmons,  
Notary Public for Limestone County, Alabama.

By Mr. Pegram:

H. 721. To create a board to be known as the State board of revenue, to prescribe its powers, duties and authority, to fix the compensation of its members, to name its members for the first term of the existence of such board, to provide for the appointment of persons to fill vacancies on such board, and for the appointment of members to said board to succeed those herein named, and to make appropriation for the expenses of such board.

Revision of Laws.

By Mr. Rylance:

H. 722. To make an appropriation to be expended by the Horseshoe Bend battle anniversary commission for the appropriate celebration of the one hundredth anniversary of the battle of Horseshoe Bend in 1914, the care of the monument erected in commemoration of said battle and the grounds on which the same may be erected and for other purposes.

Appropriations.

By Mr. Overton:

H. 723. To fix the times and places of holding the chancery court in the north eastern chancery division of Alabama.

Judiciary.

By Mr. Arnold:

H. 724. To create a board of trustees for the government and control of the several State normal schools for whites, and for the making and enforcing of a course of study for the said State normal schools and for the rural schools of the State, and for the repealing of any general and special laws and provision of any charter or characters in conflict with the provisions of this act.

Education.

By Mr. Letson:

H. 725. To amend section 7803 of the code of Alabama.

Revision of Laws.

SPECIAL ORDER.

On motion of Mr. Almon, the further consideration of the special order which was the bill:

S. 124. (With amendment.) To amend sections 1626, 1637, 1638, 1639, 1640 of the code of Alabama of 1907.

Was postponed until Thursday, March 16th, at 11 o'clock.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

The committee on Engrossed bills have examined the following House bill:

H. 443. To impose a tax of one dollar a year on each male dog and two and one-half dollars a year on each female dog in the County of Montgomery, State of Alabama, over four months of age, and to provide for the collection of such tax and to provide that all live stock killed or injured and all damages done thereto shall be paid for out of the dog tax fund, and to provide that the surplus left in dog tax fund on the first day of March of each year shall be paid into the public rural schools of said county.

And find same correctly engrossed.

A. K. Merrill,  
Chairman.

The report of the committee was concurred in.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 341: To provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to reg-

ulate the selection and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish ~~boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials~~ of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government.

And sends same herewith to the House.

J. A. Kyle,  
Secretary.

Also:

S. 379. To authorize and regulate the manufacture, sale and other disposition of spirituous, vinous and malt liquors in the city of Montgomery, State of Alabama; to provide for the creation of an excise commission in such city; to prescribe the power and duties of such excise commission; to prescribe the amount of license taxes to be paid by each licensee, respectively, to the State, the city and the county in which operates; to require a bond of each licensee and prescribe its office, purpose and liabilities; to prohibit the manufacture, sale, barter, exchange or giving away to induce trade of said, or any other intoxicating liquors or beverages in said city, except as authorized by this act, and under a license obtained and held as in this act provided, and to make unlawful, and to prescribe penalties and punishments for all violations of this act.

And send the same to the House with notice and proof attached, and herewith exhibited as follows:

#### NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama, at its next session, which convenes in the city of Montgomery during January,

1911, to enact a law making it lawful to manufacture, and to sell or otherwise dispose of spirituous, vinous and malt liquors, any one, or two or all of such liquors in the city of Montgomery or in different districts to be fixed in such law in the city of Montgomery, and to prescribe regulations for the conduct of any business where spirituous, vinous or malt liquors are manufactured or dealt in either wholesale or retail; to fix the days and hours when such sales can or cannot be made; to limit or fix the district or districts in the city of Montgomery, in which such manufacture or sales of spirituous, vinous or malt liquors may be made and to prescribe different regulations for different districts or the same regulations for different districts; and to prescribe in what portions of such city such liquors may or may not be manufactured or sold; and to provide that no one shall engage in the manufacture, sale or other disposition of any such liquors unless he has previously procured a license to do so from the proper authority as provided in such law; to fix the character and extent of each different kind of license, and to fix the amount of the different charges for each such license for the manufacture or sale of such liquors or any one or any two or all of such liquors, and prescribe the steps necessary to be taken in order to procure each such license in each district with the same or different requirements for different districts and to direct how the monies received from such licenses shall be divided and distributed among the city, county and State, and for what purposes the same may be used; to provide for the forfeiture, suspension or revocation of any license issued in the event of violation of law by any licensee or his employee, or for other causes; to make void any sales on credit by any retail licenses; to provide against the sale to habitual drunkards, minors and persons of unsound mind of any spirituous, vinous or malt liquors; to provide for the abatement as a nuisance of any place where such liquors are unlawfully manufactured, sold or disposed of; to provide for the issuance and the revocation of any such licenses; to provide for the enforcement of the provisions of the law;



to provide penalties, fines and other punishments for its violations; to provide for the transfer of licenses; and to repeal all laws and parts of laws in so far as they conflict with the provisions of said proposed act.

The foregoing is the substance of the law which it is intended to apply to the Legislature to enact.

State of Alabama, }  
Montgomery County. }

Personally appeared before me, Alma Tillery, a notary public, in and for said State and county, Brame Hood, who states on oath that he is advertising manager of the Montgomery Journal, and that the attached notice appeared in the Montgomery Journal on Dec. 16, 23, 30, 1910, and Jan. 7, 1911.

Brame Hood,  
Advertising Manager.

Sworn to and subscribed before me this 6th day of March, 1911.

Alma Tillery,  
Notary Public.

Also:

S. 352. To amend an act entitled an act to establish the Morgan county law and equity court, etc., approved February 25th, 1907.

And send the same to the House, with notice and proof attached and herewith exhibited as follows:

#### AN ACT.

Notice is hereby given that a bill will be introduced at the present session of the General Assembly of Alabama to amend sections 1 to 36 of an act entitled an act to establish the Morgan county law and equity court; to create and define its jurisdiction; to provide its officers, their powers, duties and compensation; to fix the terms of said court and to prescribe rules and procedure for said court so that said sections will read as is herein below set out and numbered 1 to 36 inclusive, and notice is further given that the sections 37, 38, 39, 40 and 41 which were added by amendment to said bill

by H. B. 1271, approved Aug. 9, 1907, shall be amended so as to read as is herein below set out and numbered 37, 38, 39, 40, 41.

Section 1. Be it enacted by the Legislature of Alabama, That there be, and hereby is, established in and for the county of Morgan a court of law and equity, which shall be called the Morgan county law and equity court, and which court shall have and exercise the jurisdiction, functions and powers which are now, or may hereafter be, by law, conferred upon the several circuit, chancery and city courts of the State. When exercising the jurisdiction, functions, and powers of courts of law, said court shall conform to the rules of procedure and practice in the circuit courts of this State, except as otherwise provided in this act, and when exercising the powers, functions, and jurisdiction of courts of equity it shall conform to the rules of procedure and practice in chancery courts of this State, except as otherwise provided herein. Provided, that the presiding judge of said court shall have power to make and adopt such rules of practice as may be required by a proper system of practice for said court, and to amend the same as may be expedient. Such rules shall be entered of record upon the minutes of said court, and shall not be in conflict with any of the laws of the State, or the rules of the supreme court, and may be changed or annulled by the supreme court of the State.

Sec. 2. That the present judge of said court shall serve the term to which he has been elected until the general election in 1916, and until his successor is elected and qualified at the said general election in the year 1916, and every six years thereafter, a judge of said court shall be elected by the qualified electors of said county, whose term of office shall be for six years from the date of his election, and until his successor is elected and qualified. The judge of said court so appointed and elected as herein provided, shall, before entering upon the duties of his office, take the oath of office required by law to be taken by the judge of the circuit courts of Alabama. The judge of said court, at the time of his appointment

and election, shall have been a citizen of Morgan county, Alabama, for a period of one year next preceding his election, and shall be not less than twenty-one years of age, and shall be learned in the law.

Sec. 3. The judge of said Morgan county law and equity court shall have and exercise all the powers, functions and jurisdiction which are, or may hereafter be, lawfully exercised by the judges of the circuit courts and chancellors of the State, including authority to issue writ of injunction, prohibition, ne exeat, and all other writs which are now, or may hereafter be, lawfully issued by judges of the circuit courts, chancellors, and judges of the city courts of this State. Vacancies in the office of judge shall be filled by the governor, and the person so appointed shall hold his office until the next general election for any State officer held at least six months after the vacancy occurs, and until his successor is elected and qualified; the successor chosen at such election shall hold office for the unexpired term, and until his successor is elected and qualified. That the judge of said court may hold court for circuit judges and chancellors of this State and circuit judges and chancellors of this State may hold the said Morgan county law and equity court for the judge thereof, when it is deemed proper so to do and shall do so when directed as authorized by law. That the judge of said court may be impeached or removed from office for the same causes and in the same manner as is required by law for the impeachment or removal from office of judges of the circuit court.

Sec. 4. That the clerk of the circuit court of said county shall be ex-officio clerk of said Morgan county law and equity court on the law side of the docket, and shall have all the powers, and be liable to perform all the duties, and be subject to all the penalties in said court as in like cases in the circuit court, and shall be entitled to the same fees as in like cases in the circuit courts now, or hereafter, allowed by law. The said court shall adopt the seal for the law side of the court, which shall be in the custody of the said clerk. That the office of the said clerk during his term of office, and

the records thereof, shall be kept at the courthouse of the said county.

Sec. 5. That the register in chancery of the chancery court of the said county shall be ex-officio register of the said Morgan county law and equity court on the equity side of the docket, and have all the powers, and be liable to perform all the duties, and be subject to all the penalties, as in like cases in the chancery courts, now, or hereafter, provided by law. The said court shall adopt a seal for the equity side of said court which shall be in the custody of said register. That said register shall be entitled to the same fees as in like cases in the chancery court now, or hereafter, allowed by law. That the office of said register during his term of office, shall be kept at the courthouse of said county.

Sec. 6. That said court shall be held at the courthouse of Morgan county, or such other place as may be designated by the presiding judge in cases of emergency. There shall be two regular terms of said court in each year, one to be known as the winter term and one as the fall term. Special jury terms may also be held when in the opinion of the judge of said court, they shall be necessary for the proper transaction of the business therein, for which terms the judge shall enter an order on the minutes of the court, and juries for such special term must be drawn and summoned in the same manner as is now, or may hereafter be provided by law for drawing and summoning juries for special terms of the circuit court; provided, that there may be temporary adjournments of said court during the terms thereof, such as may be deemed expedient and proper by the judge of said court.

Sec. 7. That the winter term of said Morgan county law and equity court shall begin on the first Monday after the first day of January of each year and may continue in session until the first day of July. The fall term of said court shall begin on the first Monday in September of each year and may continue in session until the 25th day of December. The said Morgan county law and equity court shall be held in each year as may be determined and

fixed by the presiding judge; that the judge of said court is hereby authorized to fix the time and manner of holding the session of said court; and the week or weeks in which equity cases shall be tried and a week or weeks for the trial of cases in which a jury has been waived by the parties thereto, as provided in this act; a week or weeks for the settling of pleadings and forming of issue in cases which trial by jury as provided in this act, had been demanded by the parties thereto; a week or weeks for the trial of civil cases at law in which trials by jury have been demanded; a week or weeks for the trial of criminal and quasi criminal cases pending upon the dockets of said court, providing, that such times so selected and fixed by the judge shall be entered of record upon the minutes of said court, and such times of holding the court shall be fixed as soon as practicable after the appointment and qualification of said judge. Provided, the times so fixed for holding such session of the courts, may be amended or changed by the judge at any time and in any manner he may deem advisable such change and amendments to be entered upon the minutes of the court. Provided, further, that no case in which a jury is demanded as provided for in this act, shall be set down for a trial of the issues of fact at a day less than thirty days from the time at which the pleadings are settled and issues formed. Provided further, that no civil case at law in which a trial by jury has been demanded stands for trial at any jury term of said court until and before the pleadings therein have been settled and an issue or issues of fact have been formed; and, provided, further, that all jury cases in which the pleadings therein have been settled, and an issue or issues of fact have been formed; and, provided, further, that all jury cases in which the pleadings have been settled and the issues formed shall stand for trial at the term of said court immediately following the settling of the pleadings and the forming of the issue or issues therein; and it is hereby made compulsory and mandatory upon the judge of said court, at the terms thereof provided for the settling of pleadings and the forming of issues as hereinbefore provid-

ed, to settle the pleadings and to form the issues in all civil cases in which trial by jury are demanded. After the pleadings in any civil case have been settled and the issue or issues formed as herein provided, there may be further pleadings therein at or during the jury term at which the same stands for trial, and amendments allowed therein; when good cause is shown to the court, and the cause may proceed without waiting thirty days and that at any time during the trial, and while the trial of the case is in progress either party may be allowed to amend so as to meet any phrase of the evidence not covered by the previous pleading then in the case that may be developed on the trial; provided, that the amendments herein and hereby permitted shall be allowed only upon such terms and conditions as the justice of the case may require.

Sec. 8. In all civil cases at law in said court the defendants therein shall be required by the summons therein served upon them, to appear and answer, plead or demur to the complaint within thirty days after such service of summons and complaint upon them, whether the said service shall be made in term time or in vacation; and in all cases commenced by attachment the defendant shall appear and answer, demur or plead within thirty days after the levy of the attachment and service of notice thereof, or in case the suit is against a non-resident, or other person upon whom service may be had by publication, within thirty days after service is perfected by such publication; and in all other cases the defendant must appear and plead and demur within thirty days after the perfection of service upon him, and in all cases, whether commenced by summons and complaint, attachment, or otherwise, any defendant failing for more than thirty days after service has been perfected upon him, or notice of appeal given, to appear and demur or plead shall be held to be in default, on motion of the plaintiff, shall be rendered against him, provided that the court may, for good cause shown, allow such judgment so obtained by default to be set aside and motions, demurrers or pleas to be filed on such terms as the court may think just.

Sec. 9. In all cases, whether commenced by summons and complaints, attachment or otherwise, the issue and questions of fact shall be tried by the court without the intervention of a jury unless the jury be demanded by one of the litigant parties to said cause, prior to or immediately upon the settling of pleadings and the forming of an issue or issues of fact in such cause, and that ~~thereupon and thereafter such cause is placed upon the~~ trial docket of said court, that such demand must be entered of record at the time such demand is made; that this provision shall apply to all cases brought by appeal or certiorari from judgments of justices of the peace, where inferior tribunals, except cases in which the amount involved is less than twenty dollars, all such cases shall be tried by the court without the intervention of a jury.

Sec. 10. That whenever by reason of any ruling or decision of the court on the trial of the cause, either upon pleading, admission or rejection of evidence, or upon the charge to the grand jury, it may become necessary for the plaintiff to suffer a non-suit, the facts, point, ruling or decision may be reserved for the review of the supreme court by bill of exception or by appeal on the record as in other cases.

Sec. 11. In all cases tried by the court without the intervention of a jury, either party may, in writing, demand of the judge trying such case, that he finds the acts specially, and if a special finding be requested, the court must state in writing the facts as it finds them, and, such statement, with the judgment of the court, must be entered on the minutes.

Sec. 12. That this court hereby established shall have jurisdiction of all appeals from justices of the peace or notaries public ex-officio justice of the peace, or other courts of inferior jurisdiction in Morgan county, that all original and mesne processes, notices, citations, and writs scire facias shall be executed instanter and returned immediately upon the execution thereof by the officer receiving and executing the same. That all appeals in civil cases at law from inferior courts to said Morgan county law and equity court shall stand for

trial when reached on the regular call of the docket at any time after ten day's notice of the suing out of such appeal shall have been given to the adverse party, as now required by law, subject to the conditions hereinbefore expressed relating to the settling of pleadings and forming of issues in jury cases.

Sec. 13. That all garnishments issued from said court shall require an answer thereto, within thirty days after the service thereof; and upon a failure of any garnishee to make answer within thirty days he shall be deemed in default and a judgment nisi may be rendered against him upon motion of the plaintiff, if the plaintiff is otherwise entitled to such judgment nisi and unless otherwise ordered by the court, all citations, rules, writs of scire facias and notices issuing from said court shall require the party against whom they are issued to appear within thirty days after the service thereof; if the citation or notices are to be given by publication within thirty days after the perfection of service by publication; and all cases, whether commenced by summons or complaint, attachment or otherwise, shall be deemed and taken to be at issue and triable upon the appearance of the defendant and his pleadings, or, if he does not appear within thirty days after the perfection of service upon him, at the end of thirty days.

Sec. 14. That the same law governing the drawing, summoning and empanelling of juries, both petit and grand in the circuit court shall apply and govern those in the said law and equity court.

Sec. 15. That in the trial of any cause at law without a jury in said court, in addition to the questions which may be, under the existing laws, presented to the supreme court for review, either party may by bill of exceptions, also present for review the conclusions and judgments of the court upon the evidence, and his special finding of the facts; and the supreme court shall review the same, if they find that there is any error, they shall render such judgment in the cause as the court below should have rendered, or reverse and remand the same for further proceedings, as to the supreme court shall seem right.



Sec. 16. That the supreme court of this State shall have appellate and supervisory jurisdiction over said court and the judge thereof, which may be exercised in the same manner and in the same cases as such jurisdiction may be exercised over the circuit court or the judge thereof, and the chancery courts or the chancellors thereof; and appeals may be taken from the judgments, ~~orders and decrees of said court to the supreme court in~~ the same manner, within the same time, and in the same cases as appeals are taken from judgments, orders or decrees of the circuit and chancery court to the supreme court.

Sec. 17. The venue in any case in said Morgan county law and equity court may be changed to other counties than Morgan, under the same rules and regulations as govern changes of venue in the circuit court. Should this act fail to make provision, to in any way organize the court, transact its business or carry into final effect its judgment and decrees, then in that event the law which governs the circuit court shall govern the final law side of said law and equity court as to the organization, transaction of business and execution of judgment or decrees and the law which governs the chancery court shall govern as to the equity side of said law and equity court regarding said organization, transaction of business and carrying into final effect decrees and judgments.

Sec. 18. That after ten days from the rendition of any judgment or decree, unless otherwise directed in said judgment, the clerk or register of said court shall issue execution returnable as herein provided. Provided, however, that nothing therein contained shall prevent any person from having execution issued within said ten days, upon making affidavit as now required by law, in relation to the issue of any execution upon judgments in the circuit court, and provided further, that nothing herein contained shall prevent the superseding of execution after the issue thereof, upon the filing bond as now required by law.

Sec. 19. That all laws of general nature now in force or that may hereafter be enacted giving jurisdiction to

the circuit court and chancery court, shall be held to extend and apply to said court, although the said court may not be mentioned therein, unless the contrary be expressly provided and unless they are contrary to the provisions of this act or the rules of practice which the judge of said law and equity court may adopt under this act.

Sec. 20. That the law which now governs the taking of appeals, preparing, tendering, signing, etc., of bills of exceptions in the circuit court shall apply in said law and equity court.

Sec. 21. That final judgment and decrees rendered in said court shall after the expiration of thirty days from their rendition, be taken and deemed as completely beyond control of the court, as if the term of said court, at which said judgments and decrees are rendered, had ended, at the end of the said thirty days; provided, however, that nothing herein contained shall prevent the parties from applying for a new trial or rehearing within the said thirty days, or destroy or change the office of motion for new trial or rehearing when so made, or shall prevent parties from applying to said court for rehearing under the statute authorizing applications for rehearing in the circuit court, or shall prevent the court from the exercise of any power or jurisdiction conferred upon the circuit court touching final judgments or the chancery court touching final decree.

Sec. 22. That all witnesses in attendance upon said court must prove their attendance within five days after the termination of the trial of the cause in which they were subpoenaed or called to testify and unless they prove their attendance within that time their fee shall not be taxed as costs, nor shall they be recoverable against either party.

Sec. 23. That the sheriff of the said county shall be in person or by deputy required to attend said court, preserve order, and execute and return its process and perform such other duties in all respects as in the circuit and chancery courts of this State, and he shall furnish all subordinate officers that may be necessary to expedite the business of said court the same as he is

now required to do under the law governing him as an officer of the circuit and chancery courts of this State, the fees of the officers of said court for services rendered, and the compensation of the jurors and witnesses therein shall be the same as now or may hereafter, be allowed for like services in the chancery courts of this State.

~~Sec. 24. The salary of the judge of the said court~~ shall be two hundred and fifty dollars per month, payable as is now provided or may hereafter be by law.

Sec. 25. The law which now governs in the establishment of bills of exceptions in the supreme court on appeal from the circuit court shall apply in the said law and equity court.

Sec. 26. There shall be a solicitor for said law and equity court who shall be elected at the general election in 1912 and every four years thereafter. The solicitor now serving shall remain as solicitor until said date and until his successor is elected and qualified.

The solicitor for said court shall be a resident citizen of Morgan county at the time of his election and shall have been for one year next preceding his election, and shall be not less than twenty-one years of age and learned in the law.

Sec. 27. The solicitor for said court shall receive as compensation for his services the same fees as are now taxable by law for solicitors in criminal cases in the circuit courts of this State, to an amount not exceeding twenty-four hundred dollars per calendar year to be taxed and collected in said court in the same manner as such fees are taxed and collected in the circuit courts and said fees shall be paid to him instead of the State. Should there be an excess of funds after the said solicitor has received his salary or fees as above mentioned said excess shall go into the treasury of Morgan county.

Sec. 28. The said Morgan county law and equity court hereby created shall have jurisdiction of all causes which were triable by the county court of Morgan county. That prosecution of all misdemeanors may be instituted in the Morgan county law and equity court, as is now provided by law for instituting such

proceedings in the county court of Morgan county; Alabama, and that affidavit and warrants issued by the justices of the peace and notaries public with powers of justices of the peace, or other officers authorized to issue such process, may be made returnable to the said Morgan county law and equity court and when so returned shall stand for trial in said court.

That whenever an affidavit charging a misdemeanor is sworn out and the writ of arrest is made returnable to said law and equity court the cause shall be triable in said court by a jury upon said information without an indictment being preferred by a grand jury.

Sec. 29. That whenever, for any cause, a jury, grand or petit, shall be quashed by the court, or shall fail to have been drawn or summoned, or if drawn and summoned, shall fail to attend, the court may forthwith draw another jury or juries as is now provided for by law and order the sheriff to summon said jury or juries to serve for any time specified or ordered by the court; and such jury so summoned shall be competent and valid to try all causes pending in said court and perform all other duties as if such jury were regularly drawn and summoned for said court.

Sec. 30. That all indictments found by the grand jury of the circuit court of Morgan county, charging the commission of a misdemeanor shall be made returnable to the said Morgan county law and equity court; and shall be placed upon the docket of said law and equity court for trial the same as if the indictments had been found by a grand jury in the said law and equity court. Parties or their attorneys in civil suits may by agreement transfer cases from the circuit court and the chancery to said law and equity court and from law and equity court to the circuit court and the chancery court.

Sec. 31. That the solicitor for said court may be impeached or removed from office for the same causes and in the same manner, as is required by law for the impeachment or removal from office of solicitors of the circuit courts of the State.

Sec. 32. That there may be one or more grand juries for said court; at either term of said court that the judge

of said court be, and he is hereby, authorized and empowered to order that a grand jury be summoned and to organize and empanel the same, at any time that he may deem proper and advisable; that such order for the summoning and empanelling of said grand jury shall be entered on the minutes of said court; that such grand jury shall have power and authority, and it shall be its ~~duty to investigate all matter and make all recommendations~~ which the grand jury of the circuit court of Morgan county had authority to do or make.

Sec. 33. Whenever any trial is commenced before a jury and cannot be completed during the week in which the same began, then such trial shall continue into the next week, and until it shall be completed, and such jury shall continue to serve until such case is ended. Provided, that juries for trial of capital cases shall be drawn, summoned and empanelled as is now, or may hereafter be, provided by law for drawing, summoning and empanelling juries for the trial of capital cases in the circuit courts of the State.

The challenges of juries shall be the same as is now, or may hereafter be, provided by law in the circuit courts of the State, and all laws applicable to jurors and juries in the circuit courts of the State shall apply equally to this court, except as otherwise provided in this act.

That the sheriff is authorized to summon jurors by mailing to them a summons and when a summons is so mailed it shall be a prima facie evidence that said person has received his summons.

Sec. 34. That all laws which now govern conduct of solicitors in the circuit court shall apply to said law and equity court.

Sec. 35. That the county commissioners shall provide all suitable furniture, stationery supplies, records and equipment for the maintenance of said court, and should the said commissioners fail to provide the necessary equipment for the said court the judge of the said court is authorized to purchase same and pay for it out of the treasury by a warrant signed by him and countersigned by the clerk or register.

Sec. 36. That this act shall go into effect immediately after its approval by the governor.

Sec. 37. That the court may allow the sheriff to appoint as many bailiffs as he might deem necessary to transact the business of the court, and they shall be paid the same amount and in like manner as the bailiffs who now serve in the circuit court. Said bailiffs shall be appointed with the approval of the presiding judge.

Sec. 38. Should any cause be removed from the chancery or circuit court by agreement it shall take its place upon the docket of the law and equity court the same as it had been filed in the said law and equity court originally.

Sec. 39. At any time in vacation the court may by entering an order upon the minutes declare the said law and equity court in session and draw and empanel a jury the same as if the court were holding a regular term. Such case or cases may be set for trial as the court deem necessary and they shall stand for trial the same as if the court were holding a regular term.

Sec. 40. The court may if a defendant in a criminal case fail to answer when his case is called order that a forfeiture be taken upon his bond and order that he be re-arrested immediately and may require his bondsmen to come into court upon not less than thirty days' notice and show good cause why the defendant had failed to answer to his name.

Should the bondsmen fail to make a good and sufficient showing for such failure of the defendant to so appear, then the court may make the forfeiture final and require that the bond be paid as is now provided by law.

In all other respects the law which governs the forfeiture of bonds and the failure of defendants to appear at the trial in the circuit court shall apply in the said law and equity court.

Jan. 17th, 1911.

State of Alabama, }  
Morgan County. }

Before me, Pearl Bracken, a notary public in and for said State and county, that day personally appeared

J. C. Orr, who being by me first duly sworn, deposes and says:

I am the publisher of the Morgan County Times, a newspaper published weekly in the county of Morgan and State of Alabama and there appeared a notice in said paper for four consecutive weeks, beginning on the 20th day of January, 1911, and each week thereafter appearing as stated for four consecutive weeks.

Said notice was published without cost to the State and was in words and figures as is hereto attached and marked exhibit "A."

J. C. Orr.

Sworn to and subscribed before me, this the 25th day of February, 1911.

Pearl Bracken,  
Notary Public.

And send same herewith to the House.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were read one time and referred to appropriate standing committees as follows:

Municipal Organization, S. 341.

Temperance, S. 379.

Revision of Laws, S. 352.

RECOMMITTAL OF BILL.

On motion of Mr. Whatley, the bill:

H. 338. To amend sections 60 (406), 61 (407), and 67 (413) of the code of Alabama of 1907.

Was recommitted to the standing committee on Appropriations.

RECESS.

The hour of 1 o'clock having arrived, the House recessed until 3 o'clock p. m.

## AFTERNOON SESSION.

The hour of 3 o'clock having arrived, the House reconvened.

## BILL ON THIRD READING.

H. 79. Providing for the registration, licensing, identification and regulation of motor vehicles operated upon the public highways of this State.

Was taken up.

Mr. Stollenwerck offered the following amendment to the bill:

Amend House bill 79 by striking out the sentence beginning with the word "five" in section 7 and ending with the word "car," and inserting in lieu thereof the following: One dollar for each horse power up to twenty dollars, and one-half dollar for each horse power in excess thereof, and the secretary of State is instructed to see that forty per cent of the gross revenue derived annually under the provisions of this act from any incorporated city or town is duly paid on the first day of October of each year to the treasurer of said city or town, and the secretary of State is further instructed that forty per cent of the revenue derived from any county outside of any incorporated city or town shall be likewise paid to the treasurer of said county.

Strike out section 9 as it appears and insert in lieu thereof the following:

Section Nine. Fees in lieu of all privilege licenses.—The registration fees imposed by this act upon motor vehicles other than those of manufacturers and dealers and of persons, firms, or corporations engaged in the business of transporting passengers or freight in motor vehicles kept for hire shall be in lieu of all other privilege licenses which the State of Alabama or any county or municipality or other subdivision thereof might impose, but nothing in this section shall be construed to prevent the collection of any ad valorem tax.

Strike out in section 12 the words "registration of manufacturers and dealers," and insert in lieu thereof the word "thirteen."



Amend caption to section 13, by inserting after the word "dealers" the following: "Or any person, firm or corporation engaged in the business of transporting passengers or freight in motor vehicles kept for hire."

Amend section 13, by inserting "or any person, firm or corporation engaged in the business of transporting passengers or freight in motor vehicles kept for hire."

After the word "vehicle" in section 13, by striking out the words "ten dollars" and insert in lieu thereof the following: "Equal to the average horse power of all machines owned by such person, firm or corporation at the time of registration, on the basis of one dollar for each horse power to twenty and one-half for each in excess thereof."

After the word "dealer" in section 13, insert "or such other person, firm or corporation."

After the word "dealer" in section 13, insert the following: "Or any person, firm or corporation engaged in the business of transporting passengers or freight in motor vehicles kept for hire."

In section 13, substitute the word "of", for the word "on" after the word "certificates."

In section 14, strike out the words "A fee of ten dollars" and insert in lieu thereof "the fees provided in section 13 of this act."

In caption to section 17, strike out the words "machines", and insert in lieu thereof the words "motor vehicles."

In section 17 strike out the word "machines" and insert in lieu thereof the words "motor vehicles."

In section 22 strike out the words "sixteen" and insert in lieu thereof the words "eighteen."

In section 23, substitute the word "eighteen" for the word "sixteen."

Strike out the sentence "it may contain" in section 23 down through the word "operate."

Strike out the last sentence in section 23.

Strike out the words "of the licenses" where repeated in section 23.

Strike out the words "section" in section 27 and substitute therefor the word "act."

Strike out the word "felony" in section 28 and substitute therefor the word "misdemeanor."

Insert after the word "imprisonment" in section 28 the words "in the county jail," and substitute for the words "two years" in section 28 the words "six months."

Insert after the words "two years" in section 28 the words "in the penitentiary."

Insert after the word "person" in section 28 the word "knowingly."

Insert at the end of section 28 "for the first offense and by a fine not in excess of five hundred dollars for any subsequent offense."

Substitute the word "act" for the word "article" in section 30.

Strike out the words "captain, lieutenant, or acting lieutenant," in section 30 and insert in lieu thereof the words "constable, sheriff or any judicial officer."

Strike out the words "section 568 of the code of criminal procedure" in section 30 and insert in lieu thereof the word "law."

Strike out the word "article" in section 30 and substitute therefor the word "act."

Strike out the words "punishment for operating a motor vehicle" in section 30 and substitute therefor the word "section 28."

Strike out the word "magistrate" in section 31 and substitute therefor the words "judicial officer."

Substitute the word "law" for the words "section 208 of the code of criminal procedure" in section 31 and for "section 568 of the code of criminal procedure."

Strike out the word "article" in section 31 and substitute therefor the word "act."

Strike out the words in section 31 "punishment, etc.," and substitute therefor the words "this act."

Strike out the words "said security or bail, as was given" in section 32 and substitute therefor the words "any money or property deposited as bail."

Strike out the last sentence in section 32.

Strike out the words "any tax" in section 33 and substitute therefor the words "any additional."

Insert in section 33 the word "law" between the word "such" and the word "now."

Insert the word "on" between the word "and" and the word "application" in section 34.

And the amendment was adopted.

Yeas, 57; nays, 0.

**Yeas:**

Messrs:—

Speaker	<del>Holmes</del> <del>(Walker)</del>	Nicholson
Avery	Hood	O'Neill
Barnard	Jackson	Overton
Bell (Autauga)	James	Pharr
Boswell	Jenkins (Bullock)	Pegram
Brown (Pike)	Johnson (Clarke)	Pitts
Brown (Tuscaloosa)	Johnson (Marshall)	Popwell
Burton	Lane	Pruett
Butt	Lavender	Quin
Capps	Lee	Ramsey
Carroll	Letson	Richeson
Cranford	Lloyd	Smith
Doswell	Lumpkin	Strickland
Eastis	Merrill	Stollenwerck
Edmonds	Merritt	Sullivan
Flanagan	Mulkey	Waddell
Greene	McCurdy	Waits
Griffith	McDonald	Whatley
Helms	McLendon	Wilhite

—57

And the bill:

H. 79. Providing for the registration, licensing, identification and regulation of motor vehicles operated upon the public highways of this State.

As amended was read a third time at length and passed.

Yeas, 60; nays, 1.

**Yeas:**

Messrs:—

Speaker	Boswell	Carroll
Avery	Brown (Pike)	Cranford
Barnard	Brown (Tuscaloosa)	Doswell
Bell (Autauga)	Butt	Eastis

Edmonds	Lumpkin	Popwell
Fletcher	Martin (Jackson)	Preston
Greene	Merrill	Pruett
Griffith	Mulkey	Quinn
Helms	McCurdy	Ramsey
Hollis (Walker)	McDonald	Richeson
Hood	McLendon	Rylance
Jackson	Nicholson	Smith
James	O'Neill	Stollenwerck
Jenkins (Bullock)	Overton	Sturdivant
Johnson (Clarke)	Page	Sullivan
Johnson (Marshall)	Pharr	Thomas
Lavender	Pegram	Waddell
Lee	Percy	Waites
Letson	Pittman	Whatley
Lloyd	Pitts	Wilhite

—60

Nays:

Burton

—1

## GOVERNOR'S MESSAGE.

On motion of Mr. Percy, the House concurred in and adopted the amendment proposed by the governor to the bill H. 112, said governor's amendment being as follows:

March 14th, 1911.

## . To the House of Representatives:

I herewith return House bill 112 without my approval, and suggest the following amendments to meet my objections thereto:

Amend the said bill by striking out all of section 11 down to and including the word "elected" in the 7th line thereof, and insert in lieu thereof the following: "The president and other commissioners provided for by this act shall be not less than twenty-five years of age at the time of their election, and shall be duly qualified electors of such city at the time of their election, and they shall be elected by the vote of the legally qualified voters of such city."

Amend the said bill by adding after the word "employee" in the 16th line of section 18 the following other words: "Or attorney."

Amend the said bill by adding at the end of section 19 the following words: "And the governor is authorized at any time to have all the books and accounts of such city examined by a State examiner of public accounts, the cost of such examination to be paid by such city upon the presentation to the president of the board of commissioners of such city of a duly verified statement of such expenses made by such examiner of public accounts, approved by the governor."

Emmet O'Neal,  
Governor.

Yeas, 61; nays, 0.

Yeas:

Messrs:—

Speaker	Jenkins (Bullock)	Percy
Avery	Johnson (Clarke)	Pittman
Barnard	Johnson (Marshall)	Pitts
Bell (Autauga)	Judge	Popwell
Bell (Pickens)	Lawler	Preston
Boswell	Lee	Pruett
Brown (Pike)	Letson	Quin
Brown (Tuscaloosa)	Lloyd	Ramsey
Burton	Lumpkin	Richeson
Butt	Martin (Jackson)	Rylance
Capps	Merrill	Smith
Cranford	Merritt	Strickland
Doswell	Mulkey	Stollenwerck
Eastis	McDonald	Sturdivant
Edmonds	McLendon	Sullivan
Greene	Nicholson	Thomas
Hollis (Walker)	O'Neill	Waddell
Hood	Overton	Waites
Jackson	Pharr	Whatley
James	Pegram	Wilhite
Jenkins (Baldwin)		

## GOVERNOR'S MESSAGE.

On motion of Mr. Parks, the House concurred in and adopted the amendment proposed by the governor to the bill, H. 66, said governor's amendment being as follows:

March 14th, 1911.

To the House of Representatives:

I herewith return House bill 66 without by approval, and suggest the following amendment to meet my objection thereto:

Amend section 5 of said bill by striking out the last three words—"on said lists"—in said section, and inserting in lieu thereof the following words: "On an original list of the registered voters, and also an original list of those who have paid poll taxes as provided for in section 3 of this act, which said two original lists are to be kept on file in his office and certified copies thereof sent to the several precincts of the county as provided in section 3 of this act; and no fee or charge shall be allowed the probate judge for preparing such copies."

Emmet O'Neal,  
Governor.

Yeas, 60; nays, 0.

Yeas:

Messrs:—

Speaker	Eastis	Lane
Avery	Edmonds	Lavender
Barnard	Flanagan	Lee
Bell (Autauga)	Greene	Letson
Bell (Pickens)	Griffith	Lloyd
Boswell	Helms	Lumpkin
Brown (Pike)	Hollis (Walker)	Martin (Jackson)
Brown (Tuscaloosa)	Jackson	Merrill
Burton	James	Molton
Butt	Jenkins (Baldwin)	McCurdy
Capps	Jenkins (Bullock)	McDonald
Carroll	Johnson (Marshall)	McLendon
Cranford	Judge	Nicholson

J'Neill	Pitts	Smith
Overton	Popwell	Stollenwerck
Parks	Preston	Sturdivant
Pharr	Pruett	Sullivan
Pegram	Quinn	Thomas
Percy	Richeson	Waits
Pittman	Rylance	Whatley

## MOTION IN WRITING.

The following motion in writing was submitted by Mr. Parks:

I move that the Ways and Means committee, to which has been referred House bill 635, introduced by Representative Brindley, on March 3, 1911, be directed to act on said bill, and to report same to this House at its next sitting.

The following resolution was introduced by Mr. Mulkey:

By Mr. Mulkey:

H. R. 101. Resolved by the House of Representatives that it is the sense of this House that the committee on Ways and Means have performed their duty honorably and conscientiously, and that this House is willing to trust a report of the various bills before it to the judgment and wisdom of such committee.

Mr. Mulkey moved that the Rules be suspended and the resolution be adopted. The motion to suspend the rules was lost and the resolution was referred to the standing committee on Rules.

## REPORT OF RULES COMMITTEE.

The following resolution was reported favorably from the standing committee on Rules:

By Mr. Mulkey:

H. R. 101. Resolved by the House of Representatives that it is the sense of this House that the committee on Ways and Means have performed their duty honorably and conscientiously, and that this House is

willing to trust a report of the various bills before it to the judgment and wisdom of such committee.

And the resolution was unanimously adopted by a rising vote.

And by unanimous consent, Mr. Parks was allowed to withdraw his motion.

#### BILLS ON THIRD READING.

S. 27. To make appropriations for the ordinary expenses for the executive, legislative and judicial departments of the State, for the interest on the public debt and for public schools.

Was read a third time at length and passed.

Yeas, 62; nays, 0.

#### Yeas:

Messrs:—

Speaker	James	Pharr
Avery	Jenkins (Bullock)	Pegram
Barnard	Johnson (Clarke)	Percy
Bell (Autauga)	Johnson (Marshall)	Pitts
Bell (Pickens)	Judge	Popwell
Brown (Pike)	Lane	Preston
Brown (Tuscaloosa)	Lee	Pruett
Butt	Letson	Quin
Capps	Lloyd	Ramsey
Cranford	Lumpkin	Richeson
Doswell	Martin (Jackson)	Rylance
Eastis	Merritt	Sanders
Edmonds	Molton	Smith
Flanagan	Mulkey	Strickland
Fletcher	McCurdy	Stollenwerck
Greene	McDonald	Sturdivant
Griffith	McLendon	Sullivan
Hollis (Walker)	Nicholson	Waddell
Hood	O'Neill	Waits
Horton	Overton	Whatley
Jackson	Parks	



H. 613. To authorize the commissioners court of Greene county, Alabama to change the boundary lines of any part thereof of the four commissioners' districts in said county.

Was read a third time at length and passed.

Yeas, 60; nays, 0..

**Yeas:**

**Messrs:—**

Speaker	Hollis (Walker).	Overton
Avery	Huddleston	Parks
Barnard	James	Pharr
Bell (Autauga)	Jenkins (Baldwin)	Pegram
Bell (Pickens)	Johnson (Marshall)	Percy
Brindley	Jones	Pitts
Brown (Pike)	Judge	Popwell
Brown (Tuscaloosa)	Lane	Pruett
Butt	Lee	Quinn
Capps	Letson	Richeson
Carroll	Lloyd	Rylance
Chamberlain	Lumpkin	Smith
Cranford	Martin (Jackson)	Strickland
Doswell	Merritt	Stollenwerck
Edmonds	Milner	Sturdivant
Flanagan	Molton	Sullivan
Fletcher	McDonald	Waddell
Greene	McLendon	Whatley
Griffith	Nicholson	Williams
Hollis (Choctaw)	O'Neill	Wright

—60

H. 439. To create the office of county solicitor for Butler county, provide for the election of such solicitor by the qualified electors of said county, and to prescribe his qualifications and duties and fix his compensation.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

## Yeas:

Speaker	Hollis (Walker)	Overton
Avery	Huddleston	Parks
Barnard	James	Pharr
Bell (Autauga)	Jenkins (Baldwin)	Pegram
Bell (Pickens)	Johnson (Marshall)	Percy
Brindley	Jones	Pitts
Brown (Pike)	Judge	Popwell
Brown (Tuscaloosa)	Knight	Pruett
Butt	Lee	Quinn
Capps	Letson	Richeson
Carroll	Lloyd	Rylance
Chamberlain	Lumpkin	Smith
Cranford	Martin (Jackson)	Strickland
Doswell	Merritt	Stollenwerck
Edmonds	Milner	Sturdivant
Flanagan	Molton	Sullivan
Fletcher	McDonald	Waddell
Greene	McLendon	Whatley
Griffith	Nicholson	Williams
Hollis (Choctaw)	O'Neill	Wright

—60

## BILL ON SECOND READING.

Mr. Brindley, chairman of the standing committee on Ways and Means, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with a substitute:

H. 691. (With substitute.) To further amend the revenue law of the State of Alabama.

And the bill was read a second time and placed upon the calendar.

## ADJOURNMENT.

The hour of 5:30 o'clock having arrived the House adjourned until 10 o'clock tomorrow morning.

## THIRTY-NINTH DAY.

House of Representatives.  
Wednesday, March 15, 1911.

The House met pursuant to adjournment.

## PRAYER.

The session was opened with prayer by Rev. Avery.

## ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs:—

Speaker	Fletcher	Lane
Acker	Fowlkes	Lavender
Avery	Fuquay	Lawler
Barnard	Gewin	Lawson
Bell (Autauga)	Gewin	Lee
Bell (Pickens)	Griffith	Letson
Brindley	Helms	Lloyd
Boswell	Hollis (Choctaw)	Lumpkin
Brown (Pike)	Hollis (Walker)	Martin (Calhoun)
Brown (Tuscaloosa)	Hood	Martin (Jackson)
Burton	Horton	Mastin
Bush	Huddleston	Mathews
Butt	Jackson	Merrill
Capps	James	Merritt
Carroll	Jenkins (Baldwin)	Milner
Chamberlain	Jenkins (Bullock)	Mulkey
Cranford	Johnson (Clarke)	McDonald
Darden	Johnson (Elmore)	McLendon
Dennis	Johnson (Marshall)	Nicholson
Doswell	Jones	O'Neill
Eastis	Judge	Overton
Edmonds	Kilburn	Page
Flanagan	Knight	Pharr

Pegram	Richeson	Waddell
Percy	Rylance	Waits
Pittman	Sanders	Walden
Pitts	Smith	Walker
Preston	Strickland	Whatley
Pruett	Stollenwerck	Wilhite
Quinn	Sullivan	Williams
Ramsey	Thomas	Wright
Rice	Twombly	

—95

A quorum was present.

#### JOURNAL.

The chairman of the standing committee on the revision of the Journal, made the following report:

Mr. Speaker:

Your committee on the revision of the Journal, beg leave to report as follows:

We have examined the journal for the 38th day, and find the same to be correct.

J. B. Rylance,  
Chairman.

The report of the committee was concurred in, and the Journal for the 38th day was approved.

#### RESOLUTIONS.

The following resolutions were introduced:

By Mr. Stollenwerck:

H. J. R. 102. "Whereas we believe that the Senators of the United States should be elected directly by the voters; and

"Whereas to authorize such direct election an amendment to the Constitution of the United States is necessary; and

"Whereas the failure of Congress to submit such amendment to the States has made it clear that the only practicable method of securing a submission to such amendment to the State is through a constitutional convention, to be called by Congress upon the appli-

cation of the Legislatures of two-thirds of all the states: therefore be it,

"Resolved by the Legislature of the State of Alabama, That the Legislature of the State of Alabama makes application to the Congress of the United States under article 5 of the Constitution of the United States, to call a constitutional convention for proposing amendments to the Constitution of the United States. "Section Two," That this resolution, duly authenticated shall be delivered forthwith to the President of the Senate and Speaker of the House of Representatives of the United States, with the request that the same shall be laid before the said Senate and House."

And the resolution was referred to the standing committee on Rules.

By Mr. Smith:

H. R. 103. Resolved, That the roll of the House be called and that each member be authorized to call up one bill to be put upon its passage; provided, that any bill so called, the discussion of which extends beyond thirty minutes, shall resume its place on the calendar; and provided further, that no bill legalizing the sale of liquor shall be called under this resolution.

And the resolution was referred to the standing committee on Rules.

By Mr. Rice:

H. R. 104. Be it resolved, That House bill 327 entitled an act to amend sections 4594 and 4595 of the code of Alabama, be and is hereby made a paramount continuing, special order, for twelve o'clock Friday, March 17th, 1911.

And the resolution was referred to the standing committee on Rules.

By Mr. Almon:

H. R. 105. Resolved by the House, That House bill 691, known as the revenue bill, be made a special order for three o'clock this afternoon.

And the resolution was referred to the standing committee on Rules.

By Mr. Almon:

H. R. 106. Be it resolved, That House bill 699 be made a special order for tomorrow (Thursday) at eleven o'clock a. m.

And the resolution was referred to the standing committee on Rules.

By Mr. Richeson:

H. R. 107. Resolved by the House, That House bill 284, be made a special continuing and paramount order for Thursday at 11 o'clock on March 16th, 1911.

And the resolution was referred to the standing committee on Rules.

By Mr. Hollis of Walker:

H. R. 108. Resolved by the House of Representatives, That H. 431, and H. 164, be set for special paramount continuing orders for Wednesday, March 15th, at 11 a. m.

And the resolution was referred to the standing committee on Rules.

#### PRIVILEGES OF THE FLOOR.

Were unanimously extended to Hon. John B. Knox, of Anniston, for today.

#### BILLS ON SECOND READING.

Mr. Hollis of Choctaw, chairman of the standing committee on Education, reported that said committee in session has acted on the following bill and ordered same returned to the House with a favorable report:

H. 661. To provide for the chairman of the boards of education of the incorporated cities and towns of the State of Alabama to participate in the election of the county school trustees to compose the county board of education of each county in this State.

Mr. Hollis of Choctaw, chairman of the standing committee on Education, reported that said committee in session has acted on the following bill and ordered

same returned to the House with a favorable report with substitute:

H. 649. (With substitute.) To amend section 1734 of the code of Alabama, 1907.

Mr. Thomas, chairman of the standing committee on Appropriations, reported that said committee in session ~~has acted on the following bills and ordered same returned to the House with a favorable report:~~

H. 593. For the relief of Andrew Gray of Jefferson county, Alabama, to pay to said Andrew Gray or his attorney of record the sum of \$263.94 earned by the said Gray while wrongfully working as a convict at hard labor for Jefferson county, Alabama.

H. 535. To amend sections 2340, 2341, 2343 and 2344 of the code of Alabama.

Mr. Thomas, chairman of the standing committee on Appropriations, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 463. (With amendment.) To amend sections eight hundred and twenty-eight (828) and eight hundred and thirty-five (835) of the political code of 1907.

Mr. McLendon, chairman of the standing committee on Public Health, reported that said committee in session has acted on the following bills, and ordered same returned to the House with a favorable report with amendment:

H. 618. "An act requiring milch cows affected with tuberculosis, where the milk from such animals is furnished to the people of cities and towns, to be slaughtered at a public abattoir."

Mr. McLendon, chairman of the standing committee on Public Health, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 580. To amend section 707 of the code.

S. 280. To amend section 735 of the code of Alabama of 1907.

Mr. Mulkey, chairman of the standing committee on Revision of Laws, reported that said committee in session has acted on the following bills and ordered same returned to the House with a favorable report:

H. 699. To amend sections 4031 and 4032 of the code of Alabama.

H. 725. To amend section 7803 of the code of Alabama.

Mr. Whatley, chairman of the standing committee on Agriculture, reported that said committee in session has acted on the following bill and ordered same returned to the House with a favorable report:

H. 338. To amend sections 60 (406), 61 (407) and 67 (413) of the code of Alabama of 1907.

Mr. Hollis of Choctaw, chairman of the standing committee on Education, reported that said committee in session has acted on the following bill and ordered same returned to the House with a favorable report:

H. 724. To create a board of trustees for the government and control of the several State normal schools for whites, and for the making and enforcing of a course of study for the said State normal schools and for the rural schools of the State, and for the repealing of any general and special laws and provision of any character or characters in conflict with the provisions of this act.

Mr. Thomas, chairman of the standing committee on Appropriations, reported that said committee in session has acted on the following bill and ordered same returned to the House with a favorable report:

S. 96. To make appropriations for the expenses of encampment, maneuvers and target practice of the Alabama National Guard for the years 1911, 1912, 1913, 1914.



Mr. Bush, chairman of the standing committee on Privileges and Elections, reported that said committee in session has acted on the following bills and ordered same returned to the House with a favorable report:

H. 416. To further regulate elections in Alabama and to prevent corruption therein.

H. 105. To provide for the establishment of voting places in precincts ~~having more than six hundred regis-~~  
tered voters.

H. 547. To amend section 1467 of the code of 1907.

H. 418. To regulate the giving and voting of proxies in political organizations, conventions and committees, and provide punishment therefor.

H. 346. To regulate primary elections in the State of Alabama.

Mr. Bush, chairman of the standing committee on Privileges and Elections, reported that said committee in session has acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 357. To further regulate primary elections in the State of Alabama, to prohibit graft, and to prohibit the employment by any candidate or other person or persons for any candidate of any person or association of persons as helpers or canvassers for any reward, money, or other thing of value, and to prohibit the use of hacks, automobiles or other vehicles at the polls for the purpose of bringing out voters, and to prohibit other evil practices and to prescribe punishment for the violation thereof.

The above and foregoing bills were severally read a second time and placed on the calendar.

#### BILLS REPORTED ADVERSELY.

Mr. Thomas, chairman of the standing committee on Appropriations, reported that said committee in session has acted on the following bills and ordered same returned to the House with an adverse report:

H. 455. To erect monuments over the unmarked graves of Governors Israel Pickens, John Murphy and Samuel B. Moore and to make and appropriation therefor.

H. 532. To appropriate four hundred and fifty dollars to the Pell City Manufacturing Company overpaid franchise tax for the years 1907, 1908, and 1909.

H. 590. To provide for the payment by the State of Alabama to the estate of A. A. Coleman, deceased, the sum of six thousand and eighty-three and 33/100 dollars (\$6,083.33), earned by the said A. A. Coleman as judge of the then seventh judicial circuit of the State of Alabama, from the 31st day of March, 1862, to the 20th day of July 1865, and which was not paid to the said A. A. Coleman during his lifetime, and has not since been paid to his estate.

S. 722. To make an appropriation to be expended by the Horseshoe Bend Battle Anniversary commission for the appropriate celebration of the one hundredth anniversary of the battle of Horseshoe Bend in 1914, the care of the monument erected in commemoration of said battle, and the grounds on which the same may be erected and for other purposes.

Mr. McLendon, chairman of the standing committee on Public Health, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report:

H. 641. To prohibit the use of the common drinking cup on railroad trains, in railroad stations, in the public and private schools and the State educational institutions of the State of Alabama.

Mr. Bush, chairman of the standing committee on Privileges and Elections, reported that said committee in session has acted on the following bill and ordered same returned to the House with an adverse report:

H. 348. To define, prevent and punish corrupt and illegal practices in nominations and elections, to secure and protect the purity of the ballot, and to provide for furnishing information to the electors.

INTRODUCTION OF BILLS.

On a call of the counties, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Smith (Notice and proof):

H. 726. To require the tax collector of Montgomery county to keep a record showing in abstract form the names of all registered voters who pay their poll tax, beginning with the year 1901 and each subsequent year, together with their ages; and to provide compensation therefor to be paid out of the county treasury.

Local Legislation.

Notice and proof H. 726.

NOTICE

Is hereby given that a bill will be introduced at the present session of the Legislature, to require the tax collector of Montgomery county to keep a record showing in abstract form the names of all registered voters who pay their poll taxes, beginning with the year 1901, and each subsequent year, together with their ages, and to provide compensation therefor to be paid out of the county treasury.

State of Alabama, }  
Montgomery County. }

Personally appeared before me, Alma Tillery, a notary public in and for said State and county, Brame Hood, who states on oath that he is advertising manager of the Montgomery Journal, and that the attached notice appeared in said publication Feb. 14th, four times, on Tuesdays.

Brame Hood,  
Advertising Manager.

Sworn to and subscribed before me, this 11th day of March, 1911.

Alma Tillery,  
Notary Public.

By Mr. Sturdivant. (Notice and proof).

H. 727. To amend section 4 of an act to establish a county court for the county of Shelby, approved August 20th, 1909.

Local Legislation.

Notice and proof H. 727.

#### NOTICE.

Notice is hereby given that a bill will be introduced in the present session of the Legislature to amend section four of an act entitled an act to establish a county court for the county of Shelby, approved August 20, 1909.

Section four, as amended, provides that the clerk of the circuit court shall be ex-officio clerk of the county court on the law side and the register in chancery shall be clerk of the equity side of said court.

The State of Alabama, }  
Shelby County. }

Before me, A. P. Longshore, judge of probate in and for said county, personally appeared J. F. Norris, editor and proprietor of the Peoples Advocate, who being duly sworn, deposeth and saith that the above and foregoing notice was published in the Peoples's Advocate for four consecutive weeks, in its issues of February 2nd, 9th, 16th, and 23rd, 1911.

J. F. Norris,  
Editor.

Sworn to and subscribed before me, this 23rd day of February, 1911.

A. P. Longshore,  
Judge of Probate.

By Mr. Horton. (By request.)

H. 728. To appropriate the sum of \$606.00 to Marshall & Bruce Company, Nashville, Tenn., contractors for publication of the code of Alabama, 1907.

Appropriations.

By Mr. Pitts:

H. 729. To further provide for extra or additional services under the board of inspectors of convicts, and for the payment of said services.

Appropriations.

By Mr. Brindley. (Notice and proof.)

H. 730. To amend section 1 of an act entitled an act to amend section 6 of an act entitled an act to create the office of associate judge of the city court of Gadsden; to provide for the qualification, election and appointment of such judge; to fix the term of office of such judge; to define his duties and powers and to provide for the payment of his salary.

Local Legislation.

Notice and proof H. 730.

#### NOTICE.

Notice is hereby given that a bill will be introduced in the present Legislature to amend section 6 of an act entitled an act to amend section 6 of the act creating the office of associate judge of the city court of Gadsden, to provide for the qualification, election and appointment of such judge; to fix the term of office; to define his powers and duties and to provide for the payment of his salary. Said amendment being to make the salary of the associate judge of the city court of Gadsden \$3,000 per annum, the same as the judge of the city court of Gadsden, and payable out of the State treasury, as now provided by law.

The State of Alabama, )  
Etowah County. }

Before me, the undersigned authority, personally appeared A. W. McCullough, who being duly sworn, says that he is the business manager of the Gadsden Evening Journal, a newspaper published in the city of Gadsden in said county, and that the above notice of an act to be introduced in the present Legislature of Alabama, to amend an act entitled an act to amend section six

of an act creating the office of associate judge of the city court of Gadsden, to provide for the qualification, election and appointment of such judge, to fix the term of office of such judge, to define his duties and powers and to provide for the payment of his salary, has been published in the said Gadsden Evening Journal for four consecutive weeks, counting the present week, next prior to this date.

A. W. McCollough,  
Business Manager.

Sworn to and subscribed before me, this March 11th, 1911.

James T. Breaks,  
Clerk of City Court of Gadsden.

By Mr. Fowlkes:

H. 731. To regulate the practice of nursing sick persons in the State of Alabama, and to provide for the licensing of nurses.

Public Health.

By Mr. Johnson of Clarke:

H. 732. To amend section 3231 of the code of Alabama.

Judiciary.

By Mr. Lee. (Notice and proof.)

H. 733. To vacate certain streets in the town of Marion.

Local Legislation.

Notice and proof H. 733.

The State of Alabama, }  
Perry County. }

Before me, the undersigned officer in and for said State and county, appeared C. H. Greer and being sworn deposes and says that he is publisher of The Marion Standard, a newspaper published in the town of Marion in Perry county, Alabama, and that the following notice was published in said newspaper once a week for four consecutive weeks prior to this date, viz.:

NOTICE.

Notice is hereby given that application will be made at the present session of the Legislature of Alabama for the passage of the following bill, viz.:

A BILL.

To be entitled an act to vacate certain streets in the town of Marion.

*Be it enacted by the Legislature of Alabama:*

First. That the following streets in the town of Marion in Perry county, be and the same are hereby vacated and annulled, viz.: That street sometimes known as Parish street, beginning at the northwest corner of the Cunningham lot (now owned by the Marion Institute) and running then in a southerly direction between said Cunningham lot and the Ball lot on the east, and the old Marion Institute campus on the west and thence in a southerly and westerly direction to the street running north and south on the west side of the said Marion Institute property. Also that street known as College street running from said Parish street east between said Ball lot and said Cunningham lot to Washington street.

Second. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

J. W. Arbuthnot,

T. T. Daughdrill,

Mayor.

Clerk.

That such notice was published in said newspaper of the following dates, viz.: February 17th, 1911; February 24th, 1911; March 3rd, 1911, and March 10th, 1911.

Chas. H. Greer.

Sworn to and subscribed before me, this 14th day of March, 1911.

J. F. Evins,  
Notary Public, Perry County, Ala.

By Mr. Pegram. (Notice and proof.)

H. 734. To amend an act entitled an act to rearrange and extend the corporate limits of Linden, Marengo county, Alabama, approved October 10, 1903.

Municipal Organization.

Notice and proof H. 734.

State of Alabama, }  
Marengo County. }

Before me, I. I. Canterbury, a notary public in and for said State and county, personally appeared Jno. E. Hecker, known to me to be the publisher of the Linden Reporter, who being duly sworn, states upon oath that the notice of a bill, a copy of which is hereto attached, was published in said newspaper for two consecutive weeks, beginning on January 20th, and ending January 27th, 1911.

Jno. E. Hecker,  
Publisher.

Sworn to and subscribed before me, this 21st day of February, 1911.

I. I. Canterbury,  
Notary Public.

#### NOTICE.

Notice is hereby given that at the present term of the Legislature the hereinafter bill rearranging the limits of the town of Linden will be introduced, to-wit:

"To amend an act entitled an act to rearrange and extend the corporate limits of Linden, Marengo county, Ala." Local Acts Legislature, page 302.

"*Be it enacted by the Legislature of Alabama, That the corporate limits of the town of Linden, Marengo county, Alabama, be and the same is hereby arranged so that all the territory now embraced in said town of Linden east of the Linden and Shiloh public road from the said road crosses the L. & N. R. R. to where said road intersects the Linden and Cahaba road, shall be excluded from the limits of the said town of Linden.*"

Citizen.



By Mr. Lavender:

H. 735. To authorize women to hold the position or office of clerk of the probate court, and to exercise the powers and perform the duties of clerk of the probate courts in this State.

Judiciary.

By Mr. Helms (notice and proof):

~~H. 736. To require the court of county commissioners of Crenshaw county to appropriate funds for the purchase of blood hounds for the use of said county; to provide a place for the keeping of said blood hounds and to provide for their maintenance.~~

Local Legislation.

Notice and proof H. 736.

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama which convened on January 10th, 1911, to enact a law in substance as follows: To authorize the county commissioners of Crenshaw county to appropriate funds for the purpose of purchasing blood hound dogs for the use of said county.

February 9, 1911.

AFFIDAVIT OF PUBLICATION.

I, Chas. L. Kettler, publisher of the Crenshaw County News, a newspaper published weekly at Luverne, Crenshaw county, Alabama, do solemnly swear that a copy of the above notice, as per clipping attached, was published once a week in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated January 19th, 1911, and ending with the issue dated February 9th, 1911.

Chas. L. Kettler.

Subscribed and sworn to before me, this 9th day of February, 1911.

W. B. Ruff,  
Notary Public.

By Mr. Letson:

H. 737. To repeal sections 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, and 688 of the code of Alabama (1907).

Revision of Laws.

By Mr. Stollenwerck. (Notice and proof.)

H. 738. To change the boundary line between the county of Montgomery and the county of Crenshaw.  
Commerce and Common Carriers.

Notice and proof H. 738.

#### NOTICE TO CHANGE BOUNDARY.

Notice is hereby given of the intention to apply to the Legislature of Alabama for the passage of an act to change the boundary line between the county of Montgomery and the county of Crenshaw, State of Alabama, so that said boundary line between the following points, to-wit: Beginning at a point at the southwest corner of beat 15 of Montgomery county, Alabama; thence running in an easterly direction along the boundary line between said beat 15 of Montgomery county and Crenshaw county for a distance of two miles shall read as follows:

Beginning at a point at the southwest corner of beat 15 of Montgomery county, thence in a southerly direction in a straight line with the present western boundary line of said beat 15 one-half mile, thence in an easterly direction parallel with said original line a distance of two miles, thence north to the intersection of said boundary line of Montgomery county a distance of one-half mile, said land included by said new boundary line being at present located in sections five and six, township eleven, range eighteen, Crenshaw county, Alabama.

State of Alabama, )  
Crenshaw County. }

Before me personally appeared J. C. McLendon, editor of the Luverne Journal, who being duly sworn, de-

poses and says that the notice to change the boundary line between Crenshaw and Montgomery counties was published for four successive weeks in the *Luverne Journal*, a newspaper published in Crenshaw county, Alabama.

J. C. McLendon.

Sworn to and subscribed before me, this the 9th day of March, 1911.

J. P. Quey,  
Notary Public.

Notice is hereby given of the intention to apply to the Legislature of Alabama for the passage of an act to change the boundary line between the county of Montgomery and the county of Crenshaw, State of Alabama, so that said boundary line between the following points, to-wit: Beginning at a point at the southwest corner of beat 15 of Montgomery county, Alabama; thence running in an easterly direction along the boundary line between said beat 15 of Montgomery county and Crenshaw county for a distance of two miles shall read as follows:

Beginning at a point at the southwest corner of beat 15 of Montgomery county, thence in a southerly direction in a straight line with the present western boundary line of said beat 15 one-half mile, thence in an easterly direction parallel with said original line a distance of two miles, thence north to the intersection of said boundary line of Montgomery county a distance of one-half mile, said land included by said new boundary line being at present located in sections five and six, township eleven, range eighteen, Crenshaw county, Alabama.

The State of Alabama, }  
County of Montgomery. }

Before me, George Stewart, a notary public in and for said State and county, personally appeared Ben de

Lemos, who is known to me and who, being duly sworn, deposes, and says on oath, that he is the publisher of the Alabama Outlook, a newspaper printed and published and of general circulation in said county, and that as such publisher he is authorized to make this affidavit; that the foregoing annexed advertisement was published in said paper four consecutive times, on the following dates, to-wit: February 18th, 1911; February 25th, 1911; March 4th, 1911; March 11th, 1911.

Ben de Lemos,  
Publisher Alabama Outlook.

Subscribed and sworn to before me, this 14th day of March, 1911.

Geo. Stewart,  
Notary Public.

By Mr. Pegram. (Notice and proof.)

H. 739. To impose a license tax of one dollar a year on each male dog and two dollars a year on each female dog over four months of age in the county of Marengo, State of Alabama, and to provide for the collection of such license tax and to provide that all live stock or poultry killed or injured and all damages done thereto shall be paid for out of the dog tax fund, and to provide that the surplus left from the dog tax fund on the first day of April of each year shall be paid into the public school fund of said county.

Local Legislation.

Notice and proof H. 739.

#### NOTICE.

Notice is hereby given that a bill will be introduced in the next session of the Legislature of Alabama, to provide for a license tax of not more than five dollars on each dog over the age of four months kept in Marengo county, Alabama; to authorize the collection of same, and the issuance of license; to prescribe the penalties for the violation of the provisions of said bill, and the disposition of the license taxes, and of the fines imposed for violations of the provisions of said bill or act.

State of Alabama, }  
Marengo County. }

Before me, J. P. Anderson, a notary public in and for said State and county, personally appeared J. E. Pickens, whom being by me first duly sworn, deposes and says: That he is the manager of the Thomaston Post, a newspaper published at Thomaston in said county and State, and that the notice hereto attached was published for four consecutive weeks in said paper as follows, to-wit: Dec. 29, 1910; Jan. 5, 1911; Jan. 12, 1911, and Jan. 19, 1911.

J. E. Pickens,  
Manager.

Sworn to and subscribed before me, this 11th day of March, 1911.

J. P. Anderson,  
Notary Public.

By Mr. Pitts:

H. 740. To amend subdivision 8 of section 2082 of the code of Alabama.

Banking.

#### BILL ON THIRD READING.

H. 420. To establish an inferior court in precincts 10, 34 and 46 in Jefferson county, Alabama, in lieu of all justices of the peace and notaries public with powers of justices of the peace in said precincts and to define the jurisdiction and powers of said court and the judge thereof.

Was taken up. Mr. Percy moved to postpone further action on the bill until Friday. On motion of Mr. O'Neill the motion of Mr. Percy was laid upon the table, and the bill:

H. 420. To establish an inferior court in precincts 10, 34 and 46 in Jefferson county, Alabama, in lieu of all justices of the peace and notaries public with powers of justices of the peace in said precincts and to define

the jurisdiction and powers of said court and the judge thereof.

Was read a third time at length and passed.

Yeas, 38; nays, 35.

Yeas:

Messrs:—

Barnard	Judge	Quin
Boswell	Lee	Ramsey
Butt	Lloyd	Rylance
Dennis	Martin (Jackson)	Sanders
Doswell	Mastin	Smith
Eastis	McDonald	Strickland
Edmonds	McLendon	Sturdivant
Flanagan	O'Neill	Sullivan
Gewin	Overton	Twombly
James	Parks	Waddell
Jenkins (Baldwin)	Pharr	Walker
Johnson (Marshall)	Pitts	Wilhite
Jones	Popwell	

—38

Nays:

Messrs:—

Speaker	Greene	McCurdy
Acker	Helms	Page
Avery	Hollis (Choctaw)	Pegram
Bell (Autauga)	Hollis (Walker)	Percy
Bell (Pickens)	Hood	Pittman
Brown (Pike)	Jenkins (Bullock)	Preston
Burton	Johnson (Clarke)	Pruett
Carroll	Kilburn	Richeson
Cranford	Letson	Stollenwerck
Darden	Merrill	Thomas
Fletcher	Merritt	Walden
Fuquay	Mulkey	

—35

On motion of Mr. O'Neill, the bill, H. 420, was ordered sent forthwith to the Senate without engrossment.

Mr. Merritt gave notice that on tomorrow he would move to take H. 152 from the adverse calendar and place the same upon the regular calendar of the House.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker :

The committee on Engrossed Bills have examined the following House bills:

H. 613. To authorize the commissioners court of Greene county, Alabama, to change the boundary lines of any part thereof of the four commissioners' districts in said county.

H. 439. To create the office of county solicitor for Butler county, provide for the election of such solicitor by the qualified electors of said county, and to prescribe his qualifications and duties and fix his compensation.

And find same correctly engrossed.

A. K. Merrill,  
Chairman.

The report of the committee was concurred in.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has amended as therein shown, and as amended has passed the following House bill:

H. 354. To provide for the creation of a State highway commission, defining its powers, duties and compensation, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State aid and State supervision over all the public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose, and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

On motion of Mr. Almon (Mr. Sullivan presiding), the House concurred in and adopted the Senate amendment to the bill, H. 354, said Senate amendment being as follows:

Substitute House bill 354. By Mr. Beasley:

Whereas, the people of Alabama at an election held in August, 1907, did amend the Constitution of the State, authorizing and empowering the Legislature to appropriate a part or the whole of the net revenue derived from the convict fund for the improvement of the public highways of the State, and whereas, said Constitution is not self enacting and affirmative action on the part of the Legislature is necessary to put into effect the will of the people as expressed at the polls and to effect said purpose; therefore;

## A BILL.

To be entitled an act, to provide for the creation of a State Highway Commission, defining its powers, duties and compensations, and methods to be adopted for control of same and for appropriation and maintenance of the same and give State aid and State supervision over all public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose; and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources.

Section 1. Be it enacted by the Legislature of Alabama, That there is hereby created a State Highway Commission for the State of Alabama, which shall consist of a professor of civil engineering in the Alabama Polytechnic Institute, to be selected by the board of trustees of said Institute, the State geologist and three civilians who shall hold office for four years from the date of their appointment, to be appointed by



the governor within sixty days after the approval of this act.

All vacancies in the membership of said commission shall be filled in the same manner as is prescribed for the regular appointment. The Governor may remove any member for inefficiency, malfeasance or neglect of duty. All questions shall be determined by a majority vote of such commissioners.

Section 2. That such Highway Commission shall elect from its members a chairman; it shall have a common seal, the members thereof shall have power to administer oaths and the said State Highway Commission and the State highway engineer shall constitute the State highway department. It shall be provided with suitable office rooms at the capitol which office shall be under the charge of a State highway engineer and shall be kept open at such time as the business of said department and the convenience and interest of the public shall require. Such office shall be conveniently and properly furnished and shall be the repository for all records of the State highway department. It shall hold regular meetings at such times and places and at such periods as they may deem essential to the proper carrying out of the provisions of this act. Said commission shall elect a State highway engineer, who shall be a competent civil engineer and experienced and skilled in highway construction and maintenance. He shall be known as the State highway engineer and shall hold his office subject to the pleasure of said commission, and his salary shall not exceed four thousand dollars per annum, payable monthly. With the consent and advice of the commission, the State highway engineer may employ a stenographer and such assistant engineers as may be from time to time necessary for the proper carrying on of the work, and fix their compensation. Said State engineer shall, before entering upon the duties of his office, subscribe to and execute and file an oath of office and a bond in the penal sum of five thousand dollars with sufficient surety to be approved by the Governor, conditioned on the faithful performance of his

official duties. He shall keep a record of every vote and official act of said commission; he shall file and safely keep all the maps and papers belonging to it; shall devote all of his time to the interest of the public roads, culverts and bridges of the State and shall be in charge of the office of the commission. It shall also be the duty of the said State highway engineer and his assistants to give such advice and assistance with regards to roads, culverts and bridges in the counties throughout the State, as time and conditions will permit, and as the rules and regulations of the commission may prescribe, and he and his assistants may be required by the commission, to attend any public meeting held by the commission or by other parties in the interest of road improvement and maintenance in the State, and the State engineer and his assistants shall be allowed their necessary traveling expenses while performing their official duties. The railroads in operation in the State are hereby authorized to furnish free transportation to the members of the State highway commission, and its employees while in the actual performance of their official duties. All the files and records of said commission shall under reasonable regulations, be kept open for public inspection, and certified copies shall be received in evidence in any court in this State. The attorney general of the State shall be ex-officio attorney for the commission and shall give the commission such legal counsel and advice as it may from time to time require. In addition to his salary allowed by law as attorney general of the State, he shall receive his traveling expenses when in the performance of his duties as ex-officio attorney general for the commission.

Section 3. That the State highway engineer shall keep on file copies of all plans, specifications and statement prepared by his office. He shall cause to be made and kept by the State highway department a general highway plan of the State; shall collect information and prepare statistics relative to the mileage, the character and condition of the highways and bridges in the different counties of the State; and

shall, within two years from the passage and approval of this act, prepare a map of such of the main highways in the State, as, in his judgment, are of sufficient importance to be designated as a system or trunk or State roads, that may be improved and maintained at the cost of the State, in co-operation with the counties, and report the same to the highway commission for submission to the Legislature for adoption as a proposed system of trunk or State roads, which, if adopted, by the Legislature, shall be improved and maintained as soon thereafter as practicable, under such provision as the Legislature may enact either by working State convicts or otherwise. He shall investigate and determine the methods of road construction best adapted to the various sections of the State and shall establish standards for the construction and maintenance of highways in the various counties where State aid is extended, giving due regard to the topography, natural conditions, character and availability of road building material and the ability of the counties to meet their portion of the cost of building and maintaining roads and bridges under the provisions of this act. He may at all reasonable times be consulted by the county commissioners, boards of revenue or other officers having authority over highways and bridges in their respective counties, relative to any question involving highways and bridges, and he may in like manner call on such officers for any information or assistance they may render in the performance of his duties with reference to highways and bridges within their respective counties and it shall be the duty of such officers to supply such information when called upon by the said State highway engineer. He shall determine the character and have the general supervision of the construction and repair of all roads and bridges improved under the provisions of this act. He shall report all the proceedings of his office to the State highway commission at such times as they may designate. He shall render, so far as he is able consistent with his other duties herein prescribed, assistance and advice as to the best methods of

road construction and maintenance in the different counties and municipalities of the State that are not State aid roads when requested so to do by the proper authorities therein.

Section 4. That it shall be the duty of the State highway commission to consider at their meetings all questions relating to the general policy of the said State highway department and the conduct of the work in general; to receive and consider at such times as they may select the annual report of the State highway engineer and to act for the State highway department in all matters relating to recommendations, estimates, and appropriations, and such other matters as it may be found suitable to submit to the Governor or the State Legislature. When practicable said commission shall determine the location of road materials in the State, ascertain the most approved laws in relation to roads, and hold public meetings throughout the State when deemed advisable. On or before the 1st day of April of each year, it shall be the duty of the commission to submit a printed report to the Governor, stating as near as possible the number of miles of road built or improved and also the culverts and bridges constructed during the year, their itemized cost and general character and the location of materials suitable for road construction, the general character and needs of the State and recommend such legislation as it deems advisable, and any other information concerning road improvement as may be deemed expedient. In the study of road materials the commission shall have the co-operation of the State geologist and the professor of civil engineering of the Alabama Polytechnic Institute or their assistants, and whenever the State geologist or the said professor of civil engineering or his assistants are performing any duties for the highway commission, they shall receive, in addition to their regular compensation allowed by law their expenses actually incurred.

Section 5. That there is hereby appropriated out of the net revenue derived from the convict fund of the State of Alabama, the sum of one hundred and fifty

four thousand dollars per annum, provided that the expense of the highway commission, including the salary and traveling expenses of the commission, highway engineer, stenographer's or other persons employed by the commission, stationery, stamps and other incidental expenses as may be actually necessary in the conduct of the business of the said highway commission, ~~shall not exceed ten thousand dollars per annum~~, unless in the opinion of the governor the public demands on the highway department under the provisions of this act, shall require an additional sum for such purposes in which event, he may, in his discretion, increase the amount to not to exceed twenty thousand dollars per annum, and provided further, that after the first year, beginning in the year 1912, all special funds for the improvement of the public roads, culverts and bridges in Alabama which may accrue from any other source and be in the State treasury shall be in lieu of said convict fund hereinabove provided for, to the extent of the amount thereof, thereby relieving said convict fund pro tanto to such extent.

The appropriation hereinabove made less the actual expenses of the commission hereinabove defined shall inure to the equal benefit of every county in the State of Alabama, and shall be apportioned equally by the said highway commission in such way as to give each county an equal share of said funds.

Section 6. That on or before the first day of February of each year, the highway commission shall estimate the probable sum of money that will accrue to the State road fund for the benefit of each county during the year, and apportion the same among the different counties as herein provided for, and shall immediately send a notice to the probate judge of each county stating the amount that such county shall be entitled to receive for said year out of said fund, each county to receive an equal amount thereof.

No money shall be drawn from the State road fund by any county until the said county shall have appropriated and rendered available a sum of money equal in amount to the sum drawn from the State road fund.

The county commissioners or boards of revenue or

other proper authorities of any county may recommend such roads or portions of roads, culverts or bridges as they may consider it most necessary to construct, improve or maintain by State aid. Whenever any county shall decide to use the funds herein provided for, the county commissioners or boards of revenue or other proper authorities shall make written application to the State highway commission and upon the receipt of the same the State highway engineer shall ascertain that the funds are to be expended upon a proposed improvement of a permanent nature and upon a main traveled road or portion thereof and of public utility and convenience, and if satisfied that the proposed improvement is of such character, he shall approve the application and the said engineer, or one of his assistants, shall proceed to view said proposed improvement, if his services in that regard are required, and shall prepare or approve surveys, plans, specifications and estimates of the cost of the construction before the work shall proceed.

Section 7. That as soon as practicable the highway commission shall prepare and adopt such rules and regulations for the construction, improvement and maintenance of public roads, culverts and bridges as they shall deem most suitable for the requirements of and bring the most practical results to the several counties of the State. Such rules and regulations shall be forwarded to the probate judge and county commissioners or boards of revenue in the State for general distribution. Such rules and regulations may be amended from time to time but such amendments must be printed and distributed not later than March first of each year.

Section 8. That no member of the highway commission, the State highway engineer or any other person in the employ of a highway commission shall be, either directly or indirectly, interested in any contract for the construction, improvement or maintenance of any road, culvert or bridge under this act, or in the sale of any machinery, material or anything whatever entering into the construction, maintenance or repairs of roads, bridges or culverts and such persons violating

the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than two hundred nor more than five hundred dollars, and may be sentenced to hard labor for not exceeding six months.

Section 9. That the State highway engineer shall furnish a competent engineer, where needed, during the progress of construction, in any county, who shall supervise said work and see that plans and specifications are complied with. Whenever the cost of construction, improvement or maintenance shall exceed three thousand dollars on any one piece of work for which State aid is required, the highway engineer, with the consent and advice of the proper authorities in the county, may prepare plans and specifications for advertising for bids at least thirty days in advance in a newspaper published in the city of Montgomery, and in a paper in the county where the work is to be done, and the county commissioners or boards of revenue or other proper authorities in such county shall receive bids for all or a part of said work and let the contract to the lowest bidder, subject to the approval of a State highway commission, reserving however, the right to reject any and all bids and call for new bids, or perform the work or part of said work by day labor or convict labor, as it may deem best for the interest of the State and county, subject to the approval of the State highway engineer. Where any work is done by contract, the State highway commission shall require a bond of the contractor for the faithful performance of the work, the amount of the bond to be double the contract price and to be approved by the members of the commission. The highway engineer may authorize partial payments to any contractor performing any highway or bridge improvement, under the provisions of this act as the same progresses. The progress estimates shall be based upon materials in place and labor expended thereon, but not more than eighty-five per cent. of the contract price of the work as it is completed shall be paid in advance of the full completion and acceptance of such improvement. At least fifteen per cent. of the full contract price of any such work of improvement shall be withheld until the work is satis-

factorily completed and accepted by the State highway engineer.

Provided however, that in cases of emergency where it is necessary for the court of county commissioners or boards of revenue or other proper authorities in the county to make repairs on bridges or highways before they can confer with the State highway commission, they shall be authorized to do said work without waiting to consult with the State highway commission.

Section 10. That on or before the first day of February of each year, every county treasurer or other proper authority shall certify to the State highway commission, the amount of money expended for all purposes in road construction and maintenance and for bridges in his county during the preceding year. On or before the first of February of each year, the highway commission shall notify the probate judge of each county of the amount of money available that may be expended on public roads in said county during such year. Should any portion of the money be appropriated for the benefit of any county not be used by said county during the current year for which the same was appropriated, such sum of money shall remain in the State treasury for the future use and benefit of said county, provided that all sums of money so appropriated and not used by any such county for a period of two years, shall revert to and become a part of the general fund for the improvement of the State highways of Alabama and shall be in addition to the annual appropriation therefor.

Section 11. That whenever any road shall be constructed or improved in any county under the provisions of this act it shall be the duty of the road commission to prescribe rules and regulations under which the State highway engineer shall hereafter require all such roads to be kept in proper repair, and should any county fail or refuse to carry out any reasonable recommendation of the State highway engineer in the maintenance of such road, the commission may prescribe rules by which the same may be done by the State and the expense therefor shall be paid by the county or may be paid, in event the county defaults in the payment of the same, out of any money due or to become due to said county under the provisions of this



act. That nothing in this act shall be construed to relieve the counties of the State from liability to citizens from injuries sustained, arising from defective construction of roads, culverts and bridges, or from neglect to maintain them.

Section 12. That no such highway shall be dug up or otherwise used for laying lines, sewers, poles, or railways, or for other purposes, without the written permit of the proper road authorities in such counties, approved by the State highway engineer, and then only in accordance with the regulations prescribed by said engineer, and all costs of replacing the highway in as good condition as previous as to its being disturbed shall be paid by the person to whom or in whose behalf such permit was given, or by the person by whom the work was done. In case of immediate necessity therefor, a city or town may dig up such highway without such permit from said engineer, provided that in such case such highways shall be forthwith replaced in as good condition as before at the expense of such city or town, and any person violating the provisions of this section shall be guilty of a misdemeanor and on conviction thereof shall be fined in a sum not to exceed five hundred dollars.

Section 13. That in all cases of a highway constructed under the provisions of this act, the right of way therefor shall first be acquired by the county either by donation by the owners of the land through which said highway shall pass, or by agreement between the owners and the proper authorities in such county, or by the exercise of the power of eminent domain and without expense to the State.

Section 14. That all monies paid out of the State treasury under the provisions of this act, shall be paid to the treasurer of the various counties of Alabama on the warrant of the State auditor upon the certificate of the State highway commission, and the said State highway commission is hereby authorized and empowered to make all such rules and regulations as are necessary and needful looking to the speedy completion of all contracts and they may authorize the payment of such sum of money as in their judgment is necessary for such purpose before the completion of any contract, but in no instance shall the amount author-

ized to be paid out of the State treasury exceed that which may for the same purpose be paid out of the treasury of the county in which such contract is made.

If in the opinion of the Governor the condition of the treasury shall warrant the same, he is hereby authorized to increase the amount herein appropriated for any year to a sum not to exceed four thousand dollars per annum to each of the several counties in the State, provided, the counties shall each appropriate a like amount as provided for in this act.

All roads and highways built under this act are and shall be in perpetuity, free of toll.

All laws and parts of laws in conflict herewith, are hereby repealed.

This act shall take effect and be in force on and after the date of its approval.

Yeas, 63; nays, 0.

#### Yeas:

##### Messrs:—

Speaker	Helms	Pegram
Acker	Hollis (Walker)	Percy
Avery	Horton	Pittman
Barnard	Jackson	Pitts
Bell (Pickens)	James	Popwell
Boswell	Jenkins (Baldwin)	Preston
Brown (Pike)	Jenkins (Bullock)	Quin
Brown (Tuscaloosa)	Johnson (Marshall)	Ramsey
Bush	Judge	Rice
Butt	Kilburn	Richeson
Carroll	Lee	Rylance
Cranford	Lloyd	Sanders
Darden	Lumpkin	Smith
Dennis	Martin (Jackson)	Strickland
Doswell	Merrill	Stollenwerck
Edmonds	Mulkey	Sullivan
Flanagan	McDonald	Twombly
Fowlkes	Nicholson	Waddell
Fuquay	O'Neill	Walden
Gewin	Overten	Wilhite
Greene	Pharr	Williams

MESSAGE FROM THE SENATE.

Mr. Speaker :

The President and presiding officer of the Senate having signed the following Senate bills:

S. 293. An act to establish a board of revenue for Shelby county and to abolish the court of county commissioners thereof.

S. 95. . An act to repeal an act to prohibit and punish unlawfully and knowingly permitting live-stock to run at large in stock law districts or territory in which such stock are prohibited to run at large; to provide that all fines assessed shall be paid in money and that one-half thereof shall be paid to the injured party; to confer jurisdiction, to try, convict and punish persons unlawfully and knowingly permitting live stock to run at large in stock law districts or territory where such stock are prohibited by law to run at large, upon justices of the peace and notaries public, exercising the powers of justices of the peace; to dispense with grand juries and to provide for the prosecution and conviction for violation of the terms of this act under affidavits and warrants, or information, and without indictments, approved August 19, 1909, as to Sumter County.

S. 27. An act to make appropriations for the ordinary expenses for the executive, legislative and judicial departments of the State, for the interest on the public debt and for public schools.

Your signature thereto is requested.

J. A. Kyle,  
Secretary.

SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum of the House, signed the bills the titles to which are set out in the above and foregoing message from the Senate.

## BILL ON THIRD READING.

H. 77. (With substitute.) An act to provide for the better maintenance of a system of public schools for the State.

Was taken up. The question was upon the adoption of the substitute reported by the standing committee on Education, said substitute being as follows:

## A BILL

To amend section 1678 of the code of Alabama of 1907.

*Be it enacted by the Legislature of Alabama,* That section 1678 of the code of Alabama be and the same is amended as follows:

Section 1678. Appropriations for the public schools.—For the maintenance of a system of public schools of the State the following sums of money are hereby appropriated for every scholastic year, to-wit:

1. The annual interest at six per cent. on all sums of money which have heretofore or which may hereafter be received by the State as the proceeds of sales of lands granted or entrusted by the United States to the State, or to the several townships thereof, valueless sixteenth section fund, and school indemnity fund for school purposes.

2. The annual interest at four per cent. on that part of the surplus revenue of the United States deposited with the State under the act of Congress, approved June 23, 1836.

3. All annual rents, incomes, and profits or interest arising from the proceeds of sales of all lands as may hereafter be given by the United States, or by this State, or by individuals, for the support of the public schools of the State.

4. All such sums as may accrue to the State as escheats the same to be applied to the support of the public schools during the scholastic year next ensuing the receipt in the State treasury.

5. The net amount of poll tax that may be collected in the State; the poll tax collected in every county to be retained therein for the support of the public schools thereof and distributed and disbursed as provided in this chapter.

6. Licenses which are by law required to be paid into the school fund of any county to be promptly paid by the judge of probate or other person collecting the same to the county superintendent of education and to be expended for the benefit of the public schools of each county.

7. The further sum of seven hundred twenty-five thousand dollars annually for each scholastic year.

On motion of Mr. Merritt the bill and substitute was laid upon the table.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment, proposed by his Excellency, the governor, to,

H. 66. To amend sections 3 and 5 of an act entitled "An act to further regulate elections in the State of Alabama," approved Nov. 23rd, 1907.

Yeas, 24; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment, proposed by his Excellency, the Governor, to,

H. 205. To provide for the regulation and licensing of dentists in the State of Alabama; to establish a Board of Dental Examiners, provide for their election, and prescribe their duties, powers, qualifications, terms of office and compensation; to provide for the examination of applicants to practice dentistry in said State; to

provide penalties and punishment for violations of the provisions of said act, and to repeal all general and local laws in conflict with said act.

Yeas, 20; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment, proposed by his Excellency, the Governor, to,

H. 112. To provide and create a commission form of municipal government and to establish same in all the cities of Alabama which now have, or which may hereafter have, a population of as much as one hundred thousand people according to the last Federal census, or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials; and otherwise to provide for the creation and maintenance of said commission form of government.

Yeas, 26; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

BILLS ON THIRD READING.

H. 324. To amend section 1995 of the code of Alabama, 1907.

Was read a third time at length and passed.

Yeas, 74; nays, 1.

## Yeas :

Messrs :—

Speaker	Horton	Page
Acker	Huddleston	Pharr
Avery	Jackson	Pittman
Barnard	<b>James</b>	Pitts
Bell (Autauga)	Jenkins (Bullock)	Popwell
Bell (Pickens)	<b>Johnson (Clarke)</b>	<b>Preston</b>
Brindley	Johnson (Elmore)	Pruett
Boswell	Johnson (Marshall)	Quinn
Brown (Pike)	Judge	Ramsey
Brown (Tuscaloosa)	Lavender	Rice
Burton	Lee	Richeson
Butt	Letson	Rylance
Carroll	Lloyd	Sanders
Chamberlain	Lumpkin	Smith
Cranford	Martin (Jackson)	Strickland
Darden	Mastin	Stollenwerck
Dennis	Merrill	Sturdivant
Doswell	Merritt	Sullivan
Edmonds	Milner	Thomas
Flanagan	Molton	Twombly
Fletcher	Mulkey	Waddell
Fuquay	McDonald	Walden
Greene	McLendon	Whatley
Helms	Nicholson	Wilhite
Hollis (Choctaw)	Overton	

—74

## Nays :

Messrs :—

Mr. McCurdy.

—1

H. 603. To provide for the control, working, maintenance, building and improvement of the public roads and bridges of Shelby county.

Was read a third time at length and passed.

Yeas, 62; nays, 0.

## Yeas:

Messrs:—

Speaker	Huddleston	Pittman
Acker	James	Pitts
Barnard	Jenkins (Bullock)	Popwell
Bell (Autauga)	Johnson (Clarke)	Preston
Bell (Pickens)	Johnson (Elmore)	Pruett
Boswell	Johnson (Marshall)	Quin
Brown (Pike)	Jones	Ramsey
Brown (Tuscaloosa)	Lane	Rice
Burton	Lee	Richeson
Butt	Letson	Rylance
Carroll	Lumpkin	Sanders
Chamberlain	Martin (Jackson)	Smith
Cranford	Merrill	Stollenwerck
Darden	Merritt	Sturdivant
Doswell	Molton	Sullivan
Edmonds	Mulkey	Thomas
Flanagan	McDonald	Waddell
Fletcher	McLendon	Walden
Gewin	O'Neill	Wilhite
Greene	Overton	Williams
Hollis (Walker)	Pharr	

—62

H. 179. To appropriate the sum of thirty dollars for the year 1905, and the further sum of thirty dollars for the year 1906, and the further sum of thirty dollars for the year 1907, total ninety dollars to W. M. Walls of Cleburne county, an ex-Confederate soldier, as a Confederate pensioner for said years, his name having been erroneously omitted from the list of pensioners for said years.

Was read a third time at length and passed.

Yeas, 62; nays, 0.

## Yeas:

Messrs:—

Speaker	Brown (Pike)	Darden
Acker	Brown (Tuscaloosa)	Doswell
Barnard	Butt	Edmonds
Bell (Autauga)	Carroll	Flanagan
Bell (Pickens)	Chamberlain	Fletcher
Boswell	Cranford	Gewin



Greene	Merrill	Quinn
Hollis (Walker)	Merritt	Ramsey
Huddleston	Molton	Rice
James	Mulkey	Richeson
Jenkins (Bullock)	McDonald	Rylance
Johnson (Clarke)	McLendon	Sanders
Johnson (Elmore)	O'Neill	Smith
<del>Johnson (Marshall)</del>	<del>Overton</del>	<del>Stollenwerck</del>
Jones	Pharr	Sturdivant
Lane	Pittman	Sullivan
Lee	Pitts	Thomas
Letson	Popwell	Waddell
Lumpkin	Preston	Walden
Martin (Jackson)	Pruett	Wilhite
		Williams

—62

H. 663. To prevent in certain cases the said purchase, exchange and transportation of cotton in the seed in Greene county, Alabama, and to provide for exceptions.

Was read a third time at length and passed.

Yeas, 59; nays, 0.

Yeas:

Messrs:—

Speaker	Edmonds	Martin (Jackson)
Acker	Flanagan	Merrill
Avery	Fletcher	Milner
Barnard	Gewin	Molton
Bell (Autauga)	Greene	Mulkey
Bell (Pickens)	Helms	McDonald
Boswell	Hollis (Walker)	Nicholson
Brown (Pike)	Huddleston	O'Neill
Brown (Tuscaloosa)	James	Overton
Butt	Jenkins (Bullock)	Pharr
Carroll	Johnson (Elmore)	Pittman
Chamberlain	Johnson (Marshall)	Pitts
Cranford	Jones	Popwell
Darden	Lee	Pruett
Doswell	Letson	Quinn
Eastis	Lloyd	Ramsey

Rice	Stollenwerck	Walden
Richeson	Sturdivant	Wilhite
Rylance	Sullivan	Williams
Smith	Waddell	

—59

H. 263. To amend section 2842 of the code.  
Was read a third time at length and passed.  
Yeas, 59; nays, 0.

Yeas:

Messrs:—

Speaker	Greene	Overton
Acker	Helms	Pharr
Avery	Hollis (Walker)	Pittman
Barnard	Huddleston	Pitts
Bell (Autauga)	James	Popwell
Bell (Pickens)	Jenkins (Bullock)	Pruett
Boswell	Johnson (Elmore)	Quin
Brown (Pike)	Johnson (Marshall)	Ramsey
Brown (Tuscaloosa)	Jones	Rice
Butt	Lee	Richeson
Carroll	Letson	Rylance
Chamberlain	Lloyd	Smith
Cranford	Martin (Jackson)	Stollenwerck
Darden	Merrill	Sturdivant
Doswell	Milner	Sullivan
Eastis	Molton	Waddell
Edmonds	Mulkey	Walden
Flanagan	McDonald	Wilhite
Fletcher	Nicholson	Williams
Gewin	O'Neill	

—59

S. 311. To provide for the construction, repairing, working and maintaining of the public roads and bridges of Madison county, and to provide penalties for violation thereof.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

## Yeas:

## Messrs:—

Speaker	Hollis (Walker)	Overton
Acker	Hood	Page
Avery	Horton	Pegram
Barnard	James	Percy
Bell (Pickens)	Jenkins (Bullock)	Pittman
<del>Brown (Pike)</del>	<del>Johnson (Marshall)</del>	<del>Pitts</del>
Brown (Tuscaloosa)	Jones	Popwell
Burton	Judge	Preston
Butt	Lee	Pruett
Capps	Letson	Quin
Chamberlain	Lumpkin	Ramsey
Cranford	Martin (Jackson)	Richeson
Darden	Merrill	Rylance
Dennis	Merritt	Smith
Doswell	Mulkey	Stollenwerck
Eastis	McCurdy	Sullivan
Edmonds	McDonald	Waddell
Fletcher	McLendon	Walden
Greene	Nicholson	Whatley
Helms	O'Neill	Williams

—60

## RECOMMITTAL OF BILL.

Mr. Walden, chairman of the standing committee on Soldiers Home and Pensions, returned to the House H. 331, with the request that the same be re-referred to the standing committee on Appropriations. Consent was granted, and the bill:

H. 331. For the relief of Mrs. Mary Sasser, widow of J. J. Sasser, an ex-Confederate soldier who was a pensioner of the State of Alabama, Chambers County, numbered 3286 and died March 23rd, 1909, in accordance with an Act approved February 10th, 1899, for the relief of needy Confederate soldiers and saliors residents of Alabama and their widows, requiring the State Auditor to draw his warrant on the State Treasurer payable to Mrs. Mary Sasser for the various amounts to be disbursed quarterly to pensioners of the fourth

class and also requiring the Judge of Probate to place her name on the pension roll of pensioners of Chambers County.

Was re-referred to the standing committee on Appropriations.

#### REPORT OF RULES COMMITTEE.

Mr. Almon, (Mr. Waddell presiding), chairman of the standing committee on Rules, returned to the House H. R. 105.

By Mr. Almon:

H. R. 105. Resolved by the House, That House bill 691, known as the revenue bill, be made as a special order for 3 o'clock this afternoon.

With a favorable report, and the resolution was adopted.

#### RECESS.

The hour of one o'clock having arrived, the House recessed until 3 o'clock p. m.

#### AFTERNOON SESSION.

The hour of 3 o'clock having arrived, the House reconvened.

#### REPORT OF RULES COMMITTEE.

The following resolution was reported from the Rules committee:

From Rules Committee:

H. R. 109. Be it resolved by the House, That the following House bills be made special paramount continuing orders in the order named, beginning at 10:30 o'clock, tomorrow, Thursday, March 16th, 1911, to-wit:

H. 681, on page 28; 447, on page 10; 558, on page 14; 249, on page 14; 431, on page 16; 279, on page 17; 278, on page 27; 235, on page 20; and 327, on page 5.

And the resolution was adopted.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

The committee on Engrossed Bills have examined the following House bills:

H. 324. To amend section 1995 of the code of Alabama.

H. 179. To appropriate the sum of thirty dollars for the year 1905, and the further sum of thirty dollars for the year 1906, and the further sum of thirty dollars for the year 1907, total ninety dollars, to W. M. Walls of Cleburne county, an ex-confederate soldier, as a confederate pensioner for said years, his name having been erroneously omitted from the list of pensioners for said years.

H. 663. To prevent in certain cases the said purchase, exchange or transportation of cotton in the seed in Greene county, Alabama, and to provide for exceptions.

And find same correctly engrossed.

A. K. Merrill,  
Chairman.

The report of the committee was concurred in.

GOVERNOR'S MESSAGE.

On motion of Mr. Jackson the House concurred in and adopted the amendment proposed by the governor, said governor's amendment being as follows:

March 15th, 1911.

To the House of Representatives:

I herewith return House bill 254 without may approval, and suggest the following amendment to meet my objection thereto:

Strike from the bill all after the enacting clause and insert in lieu thereof the following:

"That any person who willfully commits any trespass on the lands of another, by cutting down or carrying off any timber or rails of the value of less than twenty-five dollars with intent to convert the same to

his own use, or by severing and carrying away from the freehold and produce thereof or any property or thing thereto attached the value of which was less than five dollars to the owner before being detached from such freehold, under such circumstances as would render the trespass a larceny if the thing severed and carried away were personal property, must, on conviction, be fined not more than two hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months; and so much of the fine as is sufficient to compensate the owner of the property shall go to the injured party, said amount to be determined by the court at the time of the trial."

House bill 31 passed at this session makes the act of cutting down or carrying away timber or rails of the value of twenty-five dollars or more grand larceny, and the act of severing and carrying away from the freehold produce or other property or thing thereto attached the value of which was to the owner before being detached five dollars or more grand larceny. The object of the proposed amendment is to obviate the conflict between House bill 31, approved on March 7th, and this bill.

Emmett O'Neal,  
Governor.

Yeas, 60; nays, 0.

**Yeas:**

Messrs:—

Speaker	Carroll	James
Acker	Cranford	Jones
Arnold	Dennis	Judge
Barnard	Eastis	Kilburn
Brewer	Fletcher	Knight
Brindley	Gewin	Lane
Boswell	Griffith	Lawler
Burton	Helms	Lee
Bush	Hood	Lloyd
Butt	Horton	Lumpkin
Capps	Jackson	Mastin

Mathews	Page	Rice
Merrill	Pharr	Smith
Merritt	Pegram	Sturdivant
Milner	Percy	Twombly
Molton	Pitts	Waits
Mulkey	Popwell	Walden
Nicholson	Pruett	Walker
O'Neill	Quinn	Wilbite
Overton	Ramsey	Williams

—60

## SPECIAL ORDER.

The hour of 3 o'clock having arrived, the House proceeded to the consideration of the special order, which was the bill:

H. 691. (With substitute.) To further amend the revenue law of the State of Alabama.

The question was upon the adoption of the substitute reported by the standing committee on Ways and Means; said substitute being as follows:

## A BILL

To be entitled an act to further provide for the revenues of the State of Alabama.

*Be it enacted by the Legislature of Alabama:*

Section 1. *Telegraph and telephone companies pay privilege tax to State treasurer.*—Each telegraph and telephone company doing business in more than one county and between points wholly within this State, and without reference to its interstate commerce or governmental business, shall pay in advance, on the first day of January of each year, to the State treasurer, a privilege tax based on the mileage of the telegraph or telephone line operated by it in this State as follows: Each telegraph company whose lines within this State does not exceed one hundred and fifty miles shall pay at the rate of one dollar per mile; each telegraph company whose lines within this State exceed one hun-

dred and fifty miles shall pay five hundred dollars, together with one dollar for each mile of such lines within this State; and each telephone company operating in more than one county whose lines within this State exceed two hundred miles shall pay three hundred dollars; and no telegraph company which has paid the privilege tax herein required shall be liable to pay any additional privilege tax, except licenses required by cities and towns, and except upon its real estate, fixtures and other local property, which shall be subject to taxation as other property in the State; and no telephone company which has paid the privilege tax herein required shall be liable to pay any additional privilege tax in this State, except licenses required by cities and towns, but the real estate, fixtures and other local property of such telephone companies shall be subject to taxation as other property in this State. The payment of such privilege tax to the State treasurer shall be accompanied by a sworn report to the State auditor, showing the number of miles of telegraph or telephone lines operated by such company in this State; and in default of the payment of such tax, or the making of such report, for sixty days after the first day of January, a penalty of twenty five per cent. of the amount of such tax shall be imposed upon and collected of each defaulting company.

Sec. 2. *Express companies to pay privilege tax to State treasurer.*—There shall be levied and collected from every express company doing an express business between points wholly within this State, and without reference to its interstate business in this State, whether incorporated under the laws of this State or any other State, or whether incorporated at all, or not, a license or privilege tax of four thousand dollars which shall be annually paid to the treasurer of said State by said company on or before the fifteenth day of January of each year. Provided, that such express company which operates on less than two hundred miles of railroad shall pay an annual tax of one thousand dollars. Provided, further, that all express companies that operate



over two hundred miles and not over five hundred miles shall pay an annual tax of two thousand dollars.

A. In addition to said amount paid to the State, as aforesaid, for State purposes, there may be levied and collected by several cities of the State from said express company or companies for the privilege of doing business within municipal limits, a privilege tax or license ~~tax to be computed and based on the population of said~~ cities, as fixed by the last federal census as follows, to-wit:

B. In municipalities having a population of five hundred people, or less than this number, two dollars and fifty cents per annum.

C. In municipalities having a population of five hundred and over, and not exceeding one thousand, fifteen dollars per annum.

D. In municipalities having a population of one thousand and not exceeding two thousand, twenty-five dollars per annum.

E. In municipalities having a population of two thousand and not exceeding three thousand, thirty-five dollars per annum.

F. In municipalities having a population of three thousand and not exceeding four thousand, forty-five dollars per annum.

G. In municipalities having a population of four thousand and not exceeding five thousand, fifty dollars per annum.

H. In municipalities having a population of five thousand and not exceeding ten thousand, seventy-five dollars per annum.

I. In municipalities having a population of ten thousand and not exceeding fifteen thousand, one hundred dollars per annum.

J. In municipalities having a population of fifteen thousand and not exceeding twenty thousand, one hundred and twenty-five dollars per annum.

K. In municipalities having a population of twenty thousand and not exceeding twenty-five thousand, one hundred and seventy-five dollars per annum.

L. In municipalities having a population of twenty-five thousand and not exceeding thirty thousand, two hundred and fifty dollars per annum.

M. In municipalities having a population of thirty thousand and over, five hundred dollars per annum.

N. The license or privilege taxes above provided which shall be paid to the State and several cities, according to population, as above said, shall be in lieu of all other license or privilege taxes required of express companies in this State, by an authority thereof, and shall be in lieu of all other taxes of whatever nature except an ad valorem tax upon tangible and intangible property of said company located in said State.

Sec. 3. *Sleeping car companies.*—Any person or persons, joint stock association or corporation, whether organized or incorporated engaged in the business of operating cars, not otherwise listed for taxation in this State, for the transportation, accommodation, comfort, convenience, or safety of passengers, on or over railway line or lines, in whole or in part within this State, whether such cars be termed sleeping, palace, parlor, chair, dining or buffet cars, or by some other names, shall be deemed to be a sleeping car company.

Each person, firm or corporation engaged in the business of operating or running sleeping cars (except railroad companies operating their own sleeping cars), and doing business in this State, shall pay in advance on the first day of January of each year to the State treasurer the sum of fifty-five hundred dollars as and for license, privilege and franchise taxes.

Sec. 4. *Insurance companies to pay tax on gross receipts.*—Every insurance company, except fraternal, doing business in this State, which files a statement as required by section 4556 of the code, shall at the same time, pay to the insurance commissioner the following amounts, that is to say: Each fire insurance company shall pay one and one-half dollars on each one hundred dollars of the gross premiums received, less the premiums returned by cancellation by it to this State, and every other insurance company shall pay two dollars on each one hundred dollars of the gross premiums so

received in this State, during the year ending the thirty-first of December next preceding, as a tax for doing business in this State, and no credit or deduction of any kind shall be allowed or made on account of the cost of reinsurance taken by such company in a company not authorized to do business in this State; Provided, that domestic insurance companies shall pay only one dollar less the return premiums on each one hundred dollars of the gross premiums so received by it in this State, and any such domestic company paying a tax on its property or shares may deduct the same from this tax.

Any insurance company failing or refusing to make return as required by law, or failing or refusing to pay the tax herein levied, shall forever be debarred from doing business in this State, and shall be liable to a penalty in double the amount of such tax.

And in addition to said amount paid to the State as aforesaid, there may by ordinance be levied or collected by the several cities and towns of the State from insurance companies for the privilege of doing business within the municipal limits of said cities and towns, a privilege or license tax to be computed and based on the population of said cities as fixed by the federal census, not exceeding the following scale, to-wit:

A. In cities and towns having a population of five thousand or less, ten dollars, and one dollar on each one hundred dollars and major fraction thereof of gross premiums received during the preceding year on policies issued during said year to citizens of said cities and towns.

B. In cities having a population of five thousand and not over ten thousand, fifteen dollars, and one dollar on each one hundred dollars and major fraction thereof of gross premiums received during the preceding year on policies issued during said year to citizens of said cities;

C. In cities having a population of ten thousand and not exceeding fifty thousand, twenty dollars, and one dollar on each one hundred dollars and major fraction thereof of gross premiums received during the pre-

ceding year on policies issued during said year to citizens of said cities;

D. In cities having a population of more than fifty thousand, fifty dollars, and one dollar on each one hundred dollars and major fraction thereof of gross premiums received during the preceding year on policies issued during said year to citizens of said cities;

E. Upon the payment or tender of the amount named in such ordinance to any city or town, any such insurance company which is authorized to do business in this State, shall be permitted to do business in said city or town through its agents, who shall not be subject to or required to pay a further privilege or occupation tax for representing such company or soliciting business for it. On the first day of January of each year, or within sixty days thereafter, each insurance company which did any business in any city or town in this State during any part of the preceding year shall, if a license or privilege tax is imposed by said city or town on such insurance company, furnish the mayor or executive head of such city or town, a statement in writing duly verified, showing the full and true amount of both premiums received during the preceding year on all policies of insurance issued during such year to citizens of such city or town, and shall accompany such statement with the amount of license due according to the foregoing schedule. Failure to furnish such statement or to pay such sum, shall subject the company and its agents to such penalties as the ordinances of such city or town may prescribe for doing business therein without a license.

Sec. 5. Every person of full age and sound mind, and every firm and body corporate or politic, shall, when legally called on by the assessor forthwith make him a full, true and distinct statement of all the real and personal property, with a correct description thereof, of which he is the owner or holder, individually, or as guardian, parent, husband, trustee, administrator, executor, receiver, accounting officer, partner, agent, or factor and including all moneys and credits so held or owned or on deposit anywhere on the first day of Octo-

ber preceding, except as herein otherwise prescribed. It shall be the duty of the judges of probate, registers in chancery and the clerks of the circuit court and city courts or the clerks of other courts of record in this State, to notify the tax assessor of each county of the appointment of every administrator, executor, guardian, trustees, accounting officer or receiver within five days after such appointment, and it shall be the duty of such administrator, executor, guardian, trustee, accounting officer or receiver within thirty days after such appointment, to file under oath with the assessor of such county, a full and complete inventory of all assets held by him by virtue of such appointment. Upon the receipt of such inventory the assessor shall proceed to examine the assessment books for the year or years during which any of said property was taxable under the laws of this State, and if he should find that any of said property has not been assessed during any of said years, it shall be his duty to make a proper assessment of said property so escaped taxation, and report the same in writing to the court of county commissioners or boards of like jurisdiction, whereupon the same proceedings shall be had as herein otherwise provided. Such administrator, executor, guardian, trustee, accounting officer or receiver, shall within sixty days after receiving any additional assets, make out an inventory of such assets as above described. No partial or final distribution of property mentioned in this section shall be made until a certificate from the assessor and the collector has been filed, showing that all State and county taxes due upon said property have been assessed and paid. The several judges of probate or other judicial officers of this State having jurisdiction of the subject matter shall not make any order or decree authorizing a partial or final distribution of any property mentioned in this section until it has been shown that all taxes due upon such property have been paid.

Any administrator, executor, guardian, trustee, accounting officer or receiver, failing or refusing to file the inventory as herein provided shall be guilty of a misdemeanor, and on conviction shall be fined not ex-

ceeding five hundred dollars. Any judge of probate, register in chancery, or clerk of court of record, failing or refusing to notify the tax assessor, as above provided, shall be guilty of a misdemeanor, and on conviction shall be fined not exceeding five hundred dollars.

Sec. 6. It is the duty of the tax assessor of every county in the State to procure, at the expense of the county, a book to be prescribed by the State tax commission, in which he shall enter a complete map and list of all the blocks and lots which have been platted and the map of which is recorded in the office of the judge of probate, within his county, beginning with the lowest numbered block and lot and proceeding in numerical order to the highest, with the name of the owner set opposite each lot. Each subdivision, or addition, to any town or city shall be shown by proper heading at the top of each page of such lot book, and by an index in the front thereof.

It is the duty of the tax assessor of every county in the State to procure at the expense of the county, a book to be prescribed by the State tax commission, in which he shall enter a complete list of all the lands in the county, by the smallest subdivision, beginning with the lowest section, township and range, and proceeding in numerical order to the highest, and indicating the same by initial letters, abbreviations, and figures in a marginal column on the left of every page.

Sec. 7. For the services rendered by the assessor in respect to such land book, and a lot book showing the lots and the owners thereof in the county, he is entitled to compensation, to be allowed by the court of county commissioners, and paid by the county as follows: In counties whose population does not exceed ten thousand inhabitants, not more than one hundred dollars; in counties whose population exceeds ten thousand inhabitants, and does not exceed twenty thousand, not more than one hundred and fifty dollars; in counties whose population exceeds twenty thousand inhabitants and does not exceed thirty thousand, not more than two hundred dollars; in counties whose population exceeds thirty thousand inhabitants and does not

exceed forty thousand, not more than two hundred and fifty dollars; in counties whose population exceeds forty thousand inhabitants and does not exceed eighty thousand, not more than three hundred dollars; in counties whose population exceeds eighty thousand inhabitants, not more than four hundred dollars.

Sec. 8. It shall be the duty of the court of county ~~commissioners or boards of like jurisdiction at the~~ term commencing not later than the first Monday in September, to fix and levy the rates of taxes required for the expenses of the county, not to exceed one-half of one per cent, and such other special taxes as are allowed by law for the next tax year.

Sec. 9. The county tax commissioners or other boards of like jurisdiction shall scrutinize the records and stubs kept in the office of the judge of probate, and if it shall be reported to any commissioner, or come to his knowledge that any person, persons, firms or corporations have failed or refused to take out license as required by law, the tax commissioners, shall report the same to the judges of probate, who shall forthwith cite such delinquent to appear before them and take out such license. If such delinquent shall fail or refuse to take out license, tax commissioners shall institute or cause to be instituted criminal proceedings against such delinquent, before any court having jurisdiction of such offense. In case of emergency, the tax commissioners must commence the criminal proceedings in the first place. For performing the duties required by this section, the tax commissioners are entitled for each case brought before the probate judges, to be paid by the delinquent, in addition to the license, ten per cent on the amount of the license so collected from each delinquent. And if a criminal prosecution shall be commenced, either by information or indictment, the tax commissioners shall be paid ten per cent of the penalty prescribed in such case, all costs and penalty to be paid in money, but in all proceedings under this section, the license shall not be delinquent before the first day of February of each year.

Sec. 10. The county tax commissioner shall receive for each case where a decree is rendered, a fee of one dollar, to be charged up as costs and collected and paid as now required by law.

Sec. 11. Each person, firm or corporation, who keeps any automobile, or any like car, shall pay annually a license tax of one dollar for each horse power of said car, up to twenty horse power, and fifty cents for each horse power of said car above the twenty horse power.

Sec. 12. *Corporations.*—All corporations organized under the laws of this State, shall pay annually the following franchise tax: Corporations whose capital stock does not exceed fifty thousand dollars, one dollar per thousand dollars of its capital stock up to and including fifty thousand dollars; corporations whose capital stock exceeds fifty thousand dollars and does not exceed one million dollars, one dollar per thousand on the first fifty thousand and fifty cents for each thousand dollars of the remainder up to and including one million dollars; corporations whose capital stock exceeds one million dollars and does not exceed five million dollars, one dollar per thousand on the first fifty thousand and fifty cents per thousand for the next nine hundred and fifty thousand, and twenty-five cents for the remainder up to and including five million dollars; corporations whose capital stock exceeds five million dollars, one dollar per thousand on the first fifty thousand, fifty cents per thousand on the next nine hundred and fifty thousand, twenty-five cents per thousand on the next four millions, and ten cents per thousand on all of the remainder.

All corporations organized under the laws of any other nation, State or territory, and doing business in this State, shall pay annually the following franchise tax: Corporations whose actual amount of capital employed in this State does not exceed fifty thousand dollars, one dollar per thousand on the amount of capital actually employed in this State up to and including fifty thousand dollars; corporations whose actual amount of capital employed in this State exceeds fifty thousand dollars and does not exceed one million, one



dollar per thousand for the first fifty thousand and fifty cents per thousand on the remainder up to and including one million dollars; corporations whose actual amount of capital employed in this State is more than one million and does not exceed five million dollars, one dollar per thousand on the first fifty thousand, fifty cents per thousand on the next nine hundred and fifty ~~thousand and twenty-five cents per thousand on the re-~~ mainder up to and including five millions; corporations whose actual amount of capital employed in this State is more than five million dollars, one dollar per thousand on the first fifty thousand, fifty cents per thousand on the next nine hundred and fifty thousand, twenty-five cents per thousand on the next four million, and ten cents per thousand on the remainder.

In ascertaining the amount of the annual franchise tax which shall be paid by any foreign corporation doing business in this State under this section, there shall be deducted from the amount of the capital employed by such corporation in this State the aggregate amount of loans of money made by such corporation in this State and which shall be secured by existing mortgage or mortgages to it on real estate in this State and upon which mortgages there shall have been paid the recording privilege tax provided by law. And the payment of such privilege tax shall not exempt any corporation from the payment of a license or licenses for engaging in or carrying on its business or occupation for which a license is required of an individual or partnership. Where application is made by a domestic corporation for the license herein provided, it shall be accompanied by the affidavit of the president or other chief officer of the corporation, showing the amount of capital stock of such corporation; and where application is made for the license herein provided by foreign corporation it shall be accompanied by the affidavit of an agent of said corporation showing the amount of capital actually employed by said corporation in this State; and the payment of this tax in one county in this State, as evidenced by the license or certificate of the judge of probate, shall be sufficient; provided that

the provision of this subdivision shall not apply to banks and banking institutions regularly organized under the laws of this State or the United States, nor shall it apply to strictly benevolent, educational or religious corporations.

Sec. 13. All bonds of the United States and of this State, and all county and municipal bonds issued after the passage of this act by counties or municipalities of this State, all property, real and personal, of this State, and of the county and municipal corporations of this State; all cemeteries and all lots in incorporated cities and towns, or within one mile of any city or town to the extent of one acre, and all lots one mile or more distant from such cities or towns, to the extent of five acres, with the buildings thereon, when the same are owned and used exclusively for religious worship, educational, or purely charitable purposes; all school furniture and personal property used exclusively for school purposes; and all property, real or personal, to an extent not exceeding twenty-five thousand dollars in value, that may be used exclusively for agricultural or horticultural associations of a public character, or for the maintenance and education of young men preparing for the ministry in any church or religious association.

Sec. 14. That all deeds, where part of the purchase money remains unpaid, and bonds for title shall be and are hereby made subject to the same tax as provided by subdivision seven of section 2082 of the code of Alabama of 1907, and the same proceedings shall be had in connection with the ascertainment and collection of said tax as provided under subdivision seven of the code of Alabama of 1907.

Sec. 15. *Bottlers.*—For each person, firm, or corporation engaged in the business of bottling non-alcoholic, carbonated or other soft drinks not containing caffeine, a license tax as follows: In towns or cities of not more than five thousand inhabitants, or within five miles thereof, twenty-five dollars. And in towns or cities of five thousand inhabitants and not exceeding twenty thousand inhabitants, or within five miles thereof, fifty

dollars. And in all towns and cities having more than twenty thousand inhabitants, or within five miles thereof, one hundred dollars, and for each person, firm or corporation engaged in the business of bottling carbonated or other non-alcoholic drinks containing caffeine, a license tax of double the above amounts.

**Sec. 16. *Base Ball Parks.***—For each owner or lessee of a base ball park, where admission fees are charged, in cities or towns of less than ten thousand inhabitants, or within five miles thereof, ten dollars; in cities or towns of more than ten thousand and less than twenty-five thousand inhabitants, or within five miles thereof, twenty-five dollars; in cities or towns of more than twenty-five thousand and less than fifty thousand inhabitants, or within five miles thereof, fifty dollars; in cities or towns of more than fifty thousand inhabitants, or within five miles of any such city or town, one hundred dollars. Provided, that this shall not apply to base ball parks owned or maintained in good faith by educational institutions located in this State.

**Sec. 17. *Circuses.***—For each days exhibition of a circus, in towns or cities having more than five thousand inhabitants, or within five miles thereof, one hundred and fifty dollars; in all other places, one hundred dollars. Every building, space, tent, area, where feats of horsemanship or acrobatic sports are exhibited shall be regarded as a circus; but provisions of this section shall not apply to theatres paying a theatrical license where acrobatic feats or pony or dog shows are given. For each days exhibition of a pony or dog show exhibiting in towns or cities having more than ten thousand inhabitants, thirty-five dollars, in all other places, twenty-five dollars. For each days exhibition of a side show accompanying a circus, menageries or museums, five dollars. For any flying jennie accompany a circus, five dollars per day. And it shall be the duty of the sheriff of each county in this State to inspect, or cause to be inspected by his deputy, each such exhibition, and where it is discovered by him that the proper license has not been taken out and paid for, he shall immediately arrest the manager or other parties in charge of

such exhibition and bring him before the proper court for trial, and any sheriff failing so to do is guilty of a misdemeanor. Examiners of public accounts are charged with the duty of seeing that sheriffs have performed their duty.

Sec. 18. *Circus Parades*.—Wherever any circus gives a street parade over any of the streets, roads or thoroughfares in this State the following license shall be paid: In towns and cities of more than one hundred thousand inhabitants, fifty dollars. In towns and cities of less than one hundred thousand and not more than fifty thousand, thirty-five dollars; in towns and cities of less than fifty thousand and not more than twenty-five thousand, twenty-five dollars. In all other places, fifteen dollars. And it shall be the duty of the sheriff to see that the proper license has been issued before such parade shall start. This license is in addition to the license provided in the preceding section.

Sec. 19. *Compounders and rectifiers*.—For compounders and rectifiers of spirituous, vinous or malt liquors shall pay annual license of fifteen hundred dollars; any person who rectifies, purifies or refines distilled wines or other liquors with any chemicals or other substances, or any dealer who dilutes such liquors or wines with any other substance, or who compounds liquors for sale under any name, shall be deemed a compounder or rectifier under this section.

Sec. 20. *Money lenders*.—Every person, firm, or corporation, except banks, whose principal business is lending money and who has a fixed place of business for such purpose, shall pay an annual license of one hundred dollars.

Sec. 21. *Motorcycles or any like vehicles*.—For each person, firm, or corporation, who keeps any motorcycles or like vehicle, a license tax of two dollars for each motorcycle or like vehicle.

Sec. 22. *Pistols, bowie or dirk knives*.—For dealers in pistols, bowie or dirk knives, brass knucks, noiseless guns or air rifles, whether principal stock in trade or not, one hundred dollars.

Sec. 23. *Oil tanks.*—For each person, firm or corporation using an oil tank for storing oil of any kind or from which tank is sold or delivered, the following annual taxes shall be paid: In cities and towns of more than ten thousand inhabitants, on each tank of more than one hundred gallons capacity, two dollars and fifty cents. In all other places, on each tank of ~~more than one hundred gallons capacity, five dollars.~~ Provided, this section shall not apply to cotton seed oil mills keeping tanks for storing their own oil.

Sec. 24. Any unincorporated bank, private bank or institution doing a banking business that is not incorporated, shall pay a tax on all capital employed in such banking business, and upon all surplus and undivided profits, and the same shall be assessed to the person in whose name such banking business is conducted. And such person is required under oath to file with the tax assessor of the county in which such unincorporated bank is located and carrying on business, a statement showing the amount of the capital stock, the amount of the surplus and the amount of the undivided profits not included in the surplus, and shall, at the same time, return to the assessor a sworn statement of the real estate owned by the bank situated in this State, and the value thereof as assessed for taxation the same year, and thereupon the assessor shall, after passing upon such assessment, deduct from the amount or sum at which the bank's capital, surplus and undivided profits are assessed the amount or sum at which the real estate situated in this State and belonging to such bank is assessed for taxation; and the residue remaining after such deduction shall be the assessed value of the capital of said bank. And the provisions of section 7718 of the code shall apply to all persons who fail to file such statements as herein provided.

Sec. 25. That any foreign corporation which has heretofore paid the probate judge of any county any annual franchise tax under the provisions of an act to provide for the revenue of the State by requiring all foreign corporations authorized to do business in this

State under the laws of the State of Alabama to pay an annual franchise tax, approved March 7th, 1907; or under the provisions of sections 2391 and 2392 of the code of Alabama; which payment has been held to be illegal under the principles laid down by the supreme court of the United States in the case of the Southern Railway Company vs. Green, shall be entitled to utilize such payments heretofore made, the same not having been refunded, as a credit on the payments required under the provisions of section 12 in any year or years until the sum total or said credits has been exhausted, said credits to apply on the amounts due the county, as well as the amounts due the State under the provisions of this section. Provided, further, that any corporation which shall have paid the license taxes provided under subdivision 26 of section 2361 of the code of 1907, which payments have been held to have been illegally exacted under the rule laid down by the supreme court of Alabama in the case of Chinnabee Cotton Mills vs. the State, shall be entitled to use such payments as a credit in the same manner as is heretofore provided for the use of illegal payments collected of foreign corporations.

Sec. 26. For the purpose of encouraging the building of shipbuilding plants and the operation of steamship lines, all such plants and factories and all such steamship lines organized in this State and operating steamships in and out of any port in this State, together with the capital stock of such shipbuilding plants and steamship lines shall be and are exempt from all State, county and municipal taxes for a period of ten years from the date of erection of such shipbuilding plants and factories or the organization and operation of such steamship lines.

Sec. 27. *Theaters.*—For each theater, or moving picture show, or show of like character: In towns or cities containing more than twenty thousand inhabitants, one hundred dollars; in towns and cities containing more than eight thousand and less than twenty thousand inhabitants, fifty dollars; in towns and cities containing less than eight thousand and more

than three thousand inhabitants, twenty-five dollars; in towns and cities of three thousand inhabitants or less, twenty dollars; for each open air, or summer theater, park or resort, fifty dollars. This license shall only extend to dramatic, legerdemain, acrobatic, vaudeville, moving pictures, and operatic exhibitions given in the building, park or resort, so licensed. Provided, that ~~if any doubt arises as to the character of the entertainment~~ proposed to be exhibited under any license herein provided for, the judge of probate of the county in which the theater, park or resort is located shall determine whether or not it is covered by the license so issued.

Sec. 28. *Restaurants*.—Each restaurant, cafe or public eating house where meals are served and charged for shall pay the following annual privilege tax: In cities or towns of more than fifty thousand inhabitants, twenty dollars. In cities or towns of less than fifty and more than twenty thousand, ten dollars. In all other places, five dollars.

Sec. 29. *Lightning Rods*.—Each person, firm, or corporation selling or delivering lightning rods shall pay fifty dollars annually for each county in which they may sell or deliver said articles; and for each wagon and team used in delivering or displaying the same an additional sum in each county of ten dollars annually; but this section shall not apply to merchants selling the above enumerated articles at their regular established places of business.

Sec. 30. *Stoves or ranges*.—Each person, firm or corporation selling or delivering stoves or ranges, shall pay fifty dollars annually for each county in which they may sell or deliver said articles; and for each wagon and team used in delivering or displaying the same an additional sum for each county of ten dollars annually; but this section shall not apply to merchants selling the above enumerated articles at their regularly established places of business.

Sec. 31. *Wagons, buggies, or other vehicles*.—Each person, firm or corporation selling or delivering wagons, buggies, or other vehicles, shall pay twenty-five dol-

lars annually for each county in which they sell or deliver said articles; and for each wagon and team used in delivering or displaying the same an additional sum in each county of ten dollars; but this section shall not apply to merchants selling the above enumerated articles at their regularly established places of business.

Sec. 32. *Sewing machines*.—Each person, firm, or corporation selling or delivering sewing machines either in person or through agents, shall pay twenty-five dollars annually for each county in which they may sell or deliver said articles; and for each wagon and team used in delivering or displaying the same an additional sum in each county of ten dollars annually; but this section shall not apply to merchants selling the above enumerated articles at their regular established places of business.

Sec. 33. *Fireworks*.—For all dealers in fireworks, such as roman candles, sky rockets, torpedoes, fire crackers, cannon crackers, cap guns, devil wheels and such other articles commonly known as fireworks, they shall pay an annual license of fifty dollars.

Sec. 34. That should any court declare any section of this act unconstitutional, it shall not affect the remaining sections, but the same shall remain in full force and effect.

Sec. 35. All license taxes herein levied shall become delinquent if not paid before February first of each year, provided that the license taxes for the year 1911 shall become delinquent if not paid within thirty days after this act is approved by the governor.

Sec. 36. That this act shall take effect on and after its passage and approval.

Sec. 37. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

On motion of Mr. Brindley, the House resolved its self into a committee of the whole for the purpose of considering H. 691 with a substitute.

#### COMMITTEE OF THE WHOLE.

The Speaker named as chairman of the committee of the whole, Mr. Sullivan.



On motion of Mr. Brindley, the committee arose and reported progress.

ADJOURNMENT.

The hour of 5:30 o'clock having arrived, the House adjourned until 10 o'clock tomorrow.

FORTIETH DAY.

House of Representatives,  
Thursday, March 16th, 1911.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. J. M. Dannelly of the city of Montgomery.

ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs:—

Speaker	Capps	Greene
Acker	Carroll	Griffith
Arnold	Chamberlain	Helms
Avery	Cranford	Hollis (Choctaw)
Barnard	Darden	Hollis (Walker)
Bell (Autanga)	Dennis	Hood
Bell (Pickens)	Doswell	Horton
Brindley	Eastis	Huddleston
Boswell	Edmonds	Jackson
Brown (Pike)	Flanagan	James
Brown (Tuscaloosa)	Fletcher	Jenkins (Baldwin)
Burton	Fowlkes	Jenkins (Bullock)
Bush	Fuquay	Johnson (Clarke)
Butt	Gewin	Johnson (Elmore)

Jones	Mulkey	Roberson
Judge	McCurdy	Rylance
Kilburn	McDonald	Sanders
Knight	McLendon	Smith
Lane	Nicholson	Strickland
Lavender	O'Neill	Stollenwerck
Lawler	Overton	Sturdivant
Lawson	Page	Sullivan
Lee	Pharr	Thomas
Letson	Pegram	Twombly
Lloyd	Percy	Waddell
Lumpkin	Pittman	Waits
Martin (Calhoun)	Pitts	Walden
Martin (Jackson)	Popwell	Walker
Mastin	Preston	Whatley
Mathews	Pruett	Wheeless
Merrill	Quinn	Wilhite
Merritt	Ramsey	Williams
Milner	Rice	Wright
Molton		

—100

A quorum was present.

## JOURNAL.

The chairman of the standing committee on the revision of the Journal, made the following report:

Mr. Speaker:

Your committee on the revision of the Journal, beg leave to report as follows:

We have examined the Journal for the 39th day, and find the same to be correct.

J. B. Rylance,  
Chairman.

The report of the committee was concurred in, and the Journal for the 39th day was approved.

## RESOLUTION.

The following resolution was introduced:

By Mr. Rylance:

H. R. 110. Resolve, That House bill 577, page 21 of the calendar, House bill 211, page 35 of the calendar,

and House bill 139 page 39 of the calendar be made continuing paramount orders for Friday, March 17th, at 11 o'clock.

And the resolution was referred to the standing committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has passed the following House bills:

H. 462. To change the corporate limits of the town of Kinsey, in Houston county, Alabama.

H. 546. For the relief of J. W. Autrey, of Marengo county.

H. 503. To amend section 2061 of the code of Alabama of 1907.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker :

The committee on Engrossed bills have examined the following House bills:

H. 79. Providing for the registration, licensing, identification and regulation of motor vehicles operated upon the public highways of this State.

H. 603. To provide for the control, working, maintenance, building and improvement of the public roads and bridges of Shelby county.

And find same correctly engrossed.

A. K. Merrill,  
Chairman.

The report of the committee was concurred in.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker :

The committee on Enrolled bills have examined the following House bills:

H. 66. To amend section 3 and 5 of an act entitled "an act to further regulate elections in the State of Alabama," approved Nov. 23rd, 1907.

H. 200. To establish mardi gras day and make the same a legal holiday.

H. 205. To provide for the regulation and licensing of Dentists in the State of Alabama; to establish a Board of Dental Examiners, to provide for their election, and prescribe their duties, powers, qualifications, terms of office and compensation; to provide for the examination of applicants to practice Dentistry in said State; to provide penalties and punishment for violation of the provisions of said act, and to repeal all general and local laws in conflict with said act.

H. 382. To repeal section 2409 of the code of Alabama.

H. 462. To change the corporate limits of the town of Kinsey, in Houston county, Alabama.

H. 503. To amend section 2061 of the code of Alabama of 1907.

H. 546. For the relief of J. W. Autrey, of Marengo county.

And find same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled bills.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 409. To fix the time for holding Courts of Record having jurisdiction to determine civil causes at common law, in counties which have a population of two hundred thousand people, or more, according to any Federal census which has already been taken, or which may hereafter be taken, and to enlarge the power of such courts to try and determine causes therein.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate was read one time and referred to an appropriate standing committee as follows:

Revision of Laws, S. 409.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from his excellency the governor, with his objections and proposing an amendment to:

S. 230. To create the office of court reporter for Marengo county; to provide for his appointment and compensation; to provide his powers and duties; and to provide for the taking and collection and disposal of court reporter's fees in the courts of record of Marengo county.

And the Senate has amended the bill as proposed by the governor by adopting and concurring in such proposed amendment.

Yeas, 21; nays, 0.

Which is a majority of the whole number elected to the Senate, and the Senate herewith sends said bill with the governor's message and proposed amendment herewith to the House of Representatives.

J. A. Kyle,  
Secretary.

## GOVERNOR'S MESSAGE.

On motion of Mr. Pegram, the House concurred in and adopted the amendment proposed by the governor to the bill S. 230, said governor's amendment being as follows:

Amend section 6 of said bill, by inserting before the word "proceeding" in the second line of section 6, the word "civil;" by inserting after the words "security for payment for such copy" in lines 21 and 22 thereof the words "as additional compensation to the salary herein provided for;" and by adding to the end of said section 6 the following words: "Provided that any defendant in a criminal case who desires to appeal from the judgment of conviction shall be entitled to a copy of the proceedings as taken down by the stenographer without cost."

Yeas, 62; nays, 0.

## Yeas:

Messrs:—

Speaker	Helms	McLendon
Acker	Hollis (Walker)	Nicholson
Avery	Hood	O'Neill
Barnard	Horton	Overton
Bell (Autauga)	Huddleston	Pegram
Brown (Pike)	James	Pitts
Brown (Tuscaloosa)	Johnson (Marshall)	Popwell
Burton	Judge	Rice
Bush	Lavender	Richeson
Butt	Lawson	Rylance
Chamberlain	Lee	Smith
Cranford	Letson	Strickland
Darden	Lloyd	Stollenwerck
Dennis	Lumpkin	Sullivan
Doswell	Martin (Calhoun)	Twombly
Eastis	Martin (Jackson)	Waddell
Edmonds	Mathews	Waites
Flanagan	Merritt	Walden
Fuquay	McCurdy	Whatley
Gewin	McDonald	Wheeless
Griffith		Williams

Mr. Butt gave notice that on tomorrow he would move to take from the adverse calendar H. 665.

MOTION TO TAKE FROM ADVERSE CALENDAR.

Mr. Merritt called up his motion to take the bill, H. 152 from the adverse calendar.

~~The motion prevailed and the bill:~~

H. 152. For the relief of Simon Marx, of Tuskegee, Macon county, Alabama, who has heretofore purchased and now owns a large number of the certificates of State witnesses in cases where parties were indicted by the grand jury but who have not yet been arrested, by making such certificates lawful claims against the fine and forfeiture fund of Macon county, Alabama, providing for the payment of such claims and for the disposition of money thereafter collected on account of such certificates, and to repeal all laws and parts of laws in conflict with this act in so far as the payment of said certificates are concerned.

Was read a second time and placed upon the regular calendar of the House.

BILLS ON SECOND READING.

Mr. Hollis of Choctaw, chairman of the standing committee on Education, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 704. To amend section 1769 of the code of 1907 so as to read as follows:

Mr. Thomas, chairman of the standing committee on Appropriations, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 728. To appropriate the sum of \$606.00 to Marshall & Bruce Company, Nashville, Tenn., contractors for publication of the code of Alabama, 1907.

Mr. Bush, chairman of the standing committee on Privileges and Elections, reported that said commit-

tee in session had acted on the following bills and ordered same returned to the House with a favorable report:

S. 82. To amend section 365 of the code.

S. 81. To provide compensation of probate judges for the preparation of poll lists and alphabetical lists of registered voters in primary elections.

S. 127. To amend section four hundred and fifty (450) of the political code of nineteen hundred and seven (1907).

S. 129. To amend section 308 of the code.

S. 70. To authorize the several judges of probate of the State to make a condensed record of registered electors in their respective counties and to provide compensation for such service.

Mr. Milner, chairman of the standing committee on Local Legislation, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 696. To require the board of revenue or court of county commissioners of Autauga county, to publish reports of its proceedings quarterly in some newspaper published in said county.

H. 719. To detach Marengo county from the first judicial circuit and to transfer the cases pending in the circuit court of Marengo county and the jurisdiction to try and determine the same to the Marengo law and equity court, and to repeal conflicting laws.

S. 370. To increase the salary of the solicitor of Montgomery county from \$3,000.00 to \$4,200.00 annually.

H. 489. To repeal the Act of the Legislature of Alabama of 1900 and 1901, page 688, approved December 13th, 1900, providing for the trial of misdemeanors in the County Court of Fayette County, and to provide for the transfer of all cases pending in said County Court at the time of the approval of this act, which have been transferred from the Circuit Court of said County to said County Court, together with all papers, records and everything pertaining to said causes by the Clerk



of said County Court; back to the Circuit Court of said County for trial therein.

H. 685. To require courts of county commissioners and boards of revenue in the counties in the State having a population of over sixty thousand people to make monthly and yearly reports and to provide punishment for failure to make such reports.

~~H. 718. To dispose of the fine and forfeiture fund in~~  
Marengo county and to provide for the payment of all claims which are by law a charge against said fund.

H. 717. To dispense with grand juries in the circuit court of Marengo county, Alabama, and to provide that petit juries shall not be drawn for said court, except upon recommendation made by the sheriff, circuit clerk and judge of the Marengo law and equity court.

H. 716. To provide that the clerk of the circuit court of Marengo county shall be clerk of the Marengo law and equity court for the term for which he was elected clerk of the circuit court of Marengo county at the general election of 1910, and to provide for the qualification and election of clerks in the Marengo law and equity court after the expiration of the present term.

H. 715. To provide for the compensation of State witnesses in Marengo county.

H. 714. To allow the constable in beat 13, of Walker county, Alabama, to appoint deputies.

H. 710. To authorize the county of Shelby, State of Alabama, to issue long time interest bearing warrants to an amount not exceeding thirty thousand dollars for the purpose of funding its outstanding indebtedness, and the accrued interest thereon.

H. 702. To authorize and require the clerk of the criminal court of Jefferson county to make and keep a record of all affidavits and warrants returnable to said court for trial; to fix fees for such services and to authorize trials upon certified copies of affidavits lost, destroyed or mislaid.

H. 701. To repeal an act entitled an act to amend an act to provide for the better construction, repairing, working, and maintaining the public roads and bridges in Franklin county, approved July 31st, 1907, approved August 20th, 1909.

H. 700. To repeal an act entitled an act to provide for the better construction, repairing, working and maintaining the public roads and bridges in Franklin county, Alabama," approved July 31st, 1907.

S. 336. For the relief of Mrs. Prasby Hodges of Henry county.

S. 345. To fix the terms of office of the commissioners of Henry county, Alabama.

S. 369. To provide for the appointment by the sheriff of Montgomery county, Alabama, of an assistant night jailor, to fix his compensation and prescribe his duties.

Mr. Martin of Jackson, chairman of the standing committee on Penitentiary and Criminal Administration, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

S. 238. (With amendment.) To provide for the creation of the office of State prison inspector; to prescribe the duties and powers of such office; to provide for the necessary assistants to said inspector; to fix the compensation of such inspector and his assistants; to provide for the construction, the regulation, the management, the maintenance, the operation, the healthfulness, and the sanitation of all county jails, alms-houses, and such town and city prisons as are in towns or cities of ten thousand or more population according to the last Federal census, under the supervision of said inspector, and to prescribe the duties of the various public officials with respect thereto, and to provide punishment for violations of this act.

Mr. Smith, chairman of the standing committee on Temperance, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 614. To prohibit the sale, bartering or giving away vinous, spirituous or malt liquors or intoxicating drinks or beverages in Greene county, Alabama, and to provide how this act may be altered or amended.

Mr. Brindley, chairman of the standing committee on Ways and Means, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment:

S. 212. (With amendment.) To provide for refunding privilege taxes erroneously collected, and to ~~make the necessary appropriation therefor.~~

Mr. Mulkey, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 697. To provide for the further protection of fish and to prevent the taking or catching of fish except with hook and line or with spear, cast net or gig in any lake, river, stream, lagoon or bayou in Baldwin county, Alabama, except that portion of said county which lies south of the northern boundary line of township 8 south and west of the western boundary line of range 4 east and Weeks Bay and that portion of streams emptying into Weeks Bay one mile from the mouth thereof, and except Bon Secour Bay and the streams emptying into Bon secour Bay two miles from the mouth thereof, and except Bon Secour river below Childress' store, and to provide penalties for the violation of this act.

Mr. Mulkey, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 291. (With amendment.) For the preservation, protection, development and improvement of the oyster reefs and beds in the waters of Alabama; for the preservation, protection, development, encouragement and improvement of the oyster, shrimp, terrapin, turtle and other sea food products industry in the State of Alabama; to provide for the establishment of a board of commissioners, to prescribe their powers and duties, to provide for their compensation, to establish, locate and

provide for the furnishing of its office; to regulate the manner and time of thinking and catching oysters, shrimp, terrapin, turtle and other sea food products from the public waters and private bedding grounds of the State; to prescribe and regulate the measure of oysters bought and sold in the shell; to prescribe license fees for boats engaged in taking and catching oysters, shrimp, terrapin, turtle and other sea food products; to fix and prescribe a tax upon oysters, shrimp, terrapin, turtle and other sea food products, canned, packed, shipped or sold raw or cooked; to provide for the officers, employees and agents of the commission, to prescribe their duties and powers and fix their compensation; to provide for the protection and patrol of the oyster grounds and public waters of the State; to provide for the leasing of water bottoms owned by the State; to fix penalties for the violation of the provisions of this act; to create a fund for monies arising under the provisions of this act for the purpose of defraying the expenses of the commission; to provide for obtaining twenty-five per cent of the shells produced by canning factories in the State, and generally to regulate and control the oyster, shrimp, terrapin, turtle, and other sea food products industry in the State and all matters connected therewith; to fix and prescribe a tax upon canning factories; and to fix and prescribe a privilege or business license or tax on all dealers in oysters, shrimp, terrapin, turtle and other sea food products and to provide for reports to be made to the commission by agent or representatives of transportation and express companies, and by all persons taking, catching or selling oysters, shrimp, terrapin, turtle and other sea food products.

The above and foregoing bills were severally read a second time, and placed on the calendar.

#### INTRODUCTION OF BILLS.

On a call of the counties, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Rylance:

H. 741. To establish a State board of registration and examination for civil engineers, and mining engineers and to regulate the practice of civil and mining engineering in the State of Alabama.

Mining and Manufacturing.

By Mr. Acker:

~~H. 742. To appropriate sixty-five thousand dollars~~  
(\$65,000) to the Alabama Schools for the deaf and blind.

Appropriations.

By Mr. Darden (notice and proof):

H. 743. To change and establish the county line between St. Clair and Blount counties so as to make the eastern brow or bluff of Blount Mountain the line, placing the top and western part of the mountain including Buck Ridge in Blount county.

County and County Boundaries.

Notice and proof, H. 743.

#### NOTICE.

At the next session of the General Assembly of Alabama, a bill will be introduced to change and establish the county line between St. Clair and Blount counties so as to make the eastern brow or bluff of the Blount mountain the line, placing the top and western part of the mountain including Buck ridge in Blount county. The starting point of the new county line to be at the point where Blount, St. Clair and Jefferson counties join and extend as far up the mountain toward the point where the counties of Etowah and St. Clair join with Blount as the McClendon gap in said Blount mountain if not all the way to the Etowah line.

Elisha Haynes,  
L. B. Logan.

State of Alabama, }  
 St. Clair County. }

Personally appeared before me M. M. Fulghum, register in chancery, in and for said State and county, A. L. Cather, who being duly sworn according to law, deposes and says that he is the publisher of the Southern Aegis, a newspaper, published in said county, and that the publication of a certain notice, a true copy of which is hereto attached, has been in said newspaper for four weeks consecutively, to-wit: In the issues dated January 25, February 1, February 8, February 15.

A. L. Cather,  
 Publisher Southern Aegis.

Subscribed and sworn to before me this the 14th day of March, 1911.

M. M. Fulghum,  
 Register in Chancery.

#### NOTICE.

At the next session of the General Assembly of Alabama, a bill will be introduced to change and establish the county line between St. Clair and Blount counties so as to make the eastern brow or bluff of the Blount mountain the line, placing the top and western part of the mountain including Buck ridge in Blount county. The starting point of the new county line to be at the point where Blount, St. Clair and Jefferson counties join and extend as far up the mountain toward the point where the counties of Etowah and St. Clair join with Blount as the McClendon gap in said Blount mountain if not all the way to the Etowah line.

Elisha Haynes,  
 L. B. Logan.  
 G. W. Smith.

State of Alabama, }  
 Blount County. }

Personally appeared before me Jno. F. Kelton, Judge of probate, in and for said State and county, F. G. Stephen, who being duly sworn according to law, de-

poses and says that he is the publisher of the Southern Democrat, a newspaper, published in said county, and that the publication of a certain notice, a true copy of which is hereto attached, has been in said newspaper for four weeks consecutively, to-wit: In the issues dated December 22nd and 29th, 1910; Jan. 5th, and 12th, 1911.

F. G. Stephens,  
Publisher.

Subscribed and sworn to before me this the 13th day of March, 1911.

Jno. F. Kelton,  
Judge of Probate.

By Mr. James:

H. 744. To aid the work of tick eradication and the suppression and the control of glanders, hog cholera and other infectious and contagious diseases in Alabama; and to make an appropriation for the same.

Appropriations.

By Mr. Sullivan:

H. 745. To provide for the payment of funds due residents and subjects of foreign countries derived from the settlement of estates or from the sale of lands for division.

Judiciary.

By Mr. Sullivan:

H. 746. To amend section 6390 of the code of Alabama.

Judiciary.

By Mr. Sullivan :

H. 747. To provide for the incorporation of any bishop of a diocese, existing or that may be created wholly or partly in Alabama, as a corporation sole; to define the authority and duty of such corporation, to provide for the successions of individuals therein, the administration of affairs thereof pending a vacancy in the bishopric, for the dissolution of such corporation, and for proof of things done under this act.

Judiciary.

By Mr. Pegram:

H. 748. To amend section 5780 of the code of 1907 of Alabama.

#### Revision of Laws.

Mr. Smith, chairman of the standing committee on Temperance, reported that said committee in session had acted on the following bills and ordered same returned to the House with an adverse report:

H. 236. To permit, regulate and restrict the sale or other disposition of alcoholic, vinous or malt liquors, or beverages, in precincts one (1) and nineteen (19) in Morgan county, Alabama, by providing for an election in said precincts to determine whether the sale or other disposition of such alcoholic, vinous, or malt liquors, or beverages, shall be permitted, regulated and restricted therein.

H. 344. To repeal an act approved August 9, 1909, entitled an act, to promote temperance and suppress the evils of intemperance; to discourage the use and consumption of alcohol, alcoholic, spirituous, vinous, malt, brewed and fermented liquors, and other liquors, liquids, bitters and beverages defined and set forth in the act, and substitutes and devices therefor, and to prohibit the manufacture, sale, offering for sale, keeping or having in possession for sale, barter, exchange, giving away, furnishing, or otherwise disposing of said liquors, liquids, and beverages, the carrying on of the business of a brewer, distiller or rectifier of spirits, or retail or wholesale dealer in malt liquors, and the keeping or maintaining of unlawful drinking places, which are declared to be common nuisances and are to be abated as such.

H. 10. To authorize the city of Greenville to buy and sell spirituous, vinous and malt liquors, and to provide for the distribution of certain profits arising therefrom, and to regulate the sale of such liquors in such city.

H. 556. To regulate the manufacture and sale of spirituous, vinous and malt liquors in the State of Alabama, by private persons and by dispensaries.



H. 713. To prevent the exhibition or display of train robbers, burglaries, safe blowing, hold-ups, murders or other scenes of crime by moving picture machines in any public place.

H. 130. To make it lawful to manufacture to sell or otherwise dispose of spirituous, vinous or malt liquors in the city of Montgomery, Alabama, and to provide regulations under which such manufacture, sale or other disposition of spirituous, vinous or malt liquors may be made and to prescribe penalties for any violation thereof.

H. 345. To repeal an act approved August 25, 1909, entitled an act, to further suppress the evils of intemperance and to secure obedience to and the enforcement of, and to prevent the evasion of the laws of the State for the promotion of temperance and for the prohibition of the manufacture of and traffic in or unlawful disposition of prohibited liquors and beverages, and the seizure and destruction of forfeited liquors and beverages, and to provide the procedure in such cases.

H. 81. To make lawful the manufacture, sale of or other disposition of spirituous, vinous and malt liquors in cities of Alabama of over fifteen thousand population and to prescribe regulations under which such manufacture, sale or other disposition of spirituous, vinous and malt liquors may be made and to provide penalties for their violation; and to create an excise commission for each of such cities to have supervision over the manufacture, sale or other disposition of such spirituous, vinous and malt liquors in any such cities.

H. 322. To regulate the manufacture, sale and other disposition of spirituous, vinous and malt liquors in the incorporated towns and cities of the State of Alabama whenever such manufacture, sale or other disposition is authorized at and by an election by the qualified electors of the county in which such town or city is situated; to provide for the holding of such elections; to provide, as to cities and towns of less than thirteen thousand population, for determining in and by such elections whether the sale of such liquors shall be by dispensary or by private dealers under license; to regulate

the establishment and operation of such dispensaries as may be so authorized; to provide for the creation of an excise commission in such cities of thirteen thousand or more population in which the manufacture and sale of said liquors are authorized as herein provided; to prescribe the powers and duties of such excise commission; to confer and impose like powers and duties upon the city council or other governing body of the municipality in those incorporated towns or cities of less than thirteen thousand population wherein the manufacture and sale of said liquors under license is authorized as herein provided; to prescribe the amount of license taxes to be paid by each licensee and the respective portions of the net revenues of each dispensary to be paid, respectively to the State, the city or town operating the same, and the county in which the same is operated; to require a bond of each licensee and prescribe its office, purpose and liabilities; to prohibit the manufacture, sale, barter, exchange or giving away to induce trade of said liquors, or any other intoxicating liquors or beverages in the State of Alabama except as authorized by this act, and under a license obtained and held as in this act provided, and to make unlawful and to prescribe penalties and punishments for, all violations of this act.

H. 202. To regulate the manufacture, sale or other disposition of spirituous, vinous or malt liquors in cities of ten thousand inhabitants or more in this State whenever the manufacture, sale or other disposition of such liquors in such cities shall be authorized by elections therein of the qualified voters thereof; to provide for the holding of the elections in such cities to decide whether or not the manufacture and sale of such liquors shall be authorized; to make unlawful and provide penalties for the manufacture, sale or other disposition of impure liquors in such cities; to prescribe the kinds and character of such liquors as may be sold and to establish regulations as to their purity; to provide for the creation of an excise commission with power of supervision over the manufacture, sale or other disposition of such liquors wherever authorized in such

cities by such election; to require a bond of each licensee and prescribe its offices, purposes and liabilities; to prohibit the manufacture, sale, barter, exchange or giving away to induce trade of said liquors, or any other intoxicating liquors or beverages in any portion of the State except in those cities in which such manufacture and sale are authorized in this act provided, and under a license obtained and held as in this act provided; to make unlawful and prescribe penalties and punishment for all violations of this act.

H. 311. To regulate the sale of spirituous, vinous, malt and other intoxicating liquors and drinks; to provide to whom the same shall be sold; to provide for the issuance of licenses to persons to buy such liquors, the amount of such license and fees to be paid by the applicants for such license, and to provide penalties for violation of this act and for the distribution and application of the funds arising from the licenses herein provided for.

H. 572. To prohibit any election being held to determine whether the manufacture or sale of spirituous, vinous or malt liquors shall be allowed by a dispensary or by private dealers in any county in the State of Alabama in which the manufacture or sale of spirituous, vinous or malt liquors was prohibited throughout such county by any local law in effect January 1st, 1907, or in any county in the State in which the manufacture or sale of spirituous, vinous or malt liquors may hereafter be prohibited throughout said county by any local law.

H. 274. To regulate the sale of lager beer and wine, by bona fide, literary and social clubs and clubs conducted by fraternal and charitable organizations in incorporated towns and cities in Cullman county, Alabama; to provide for the issuance of a license therefor and the revocation thereof, and prescribing the penalty for the violation of the act and the form of indictment thereof.

Mr. Thomas, chairman of the standing committee on Appropriations, reported that said committee in ses-

sion had acted on the following bills and ordered same returned to the House with an adverse report:

H. 12. To appropriate ten thousand dollars out of the treasury of the State for the aid of the Francis E. Willard public school at Piedmont, Alabama.

H. 729. To provide for extra or additional services under the board of inspectors of convicts, and for the payment of said services.

Mr. Bush, chairman of the standing committee on Privileges and Elections, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report:

S. 46. To amend section six of an act entitled "An act to further regulate elections in the State of Alabama," approved November 23, 1907.

On motion of Mr. Pitts the House resolved itself into a committee of the whole House for the purpose of considering H. 691, with substitute.

#### COMMITTEE OF THE WHOLE.

The Speaker named as chairman of the committee of the whole House, Mr. Sullivan.

#### RECESS.

The hour of one o'clock having arrived, the committee of the whole House recessed until 3 o'clock P. M.

#### AFTERNOON SESSION.

The hour of 3 o'clock having arrived, the committee reconvened.

On motion of Mr. Arnold the committee arose and reported progress upon the substitute for H. 691.

#### GOVERNOR'S MESSAGE.

The following message from the governor was received:

March 16th, 1911.

To the House of Representatives:

I herewith return House bill 147 without my approval, and suggest the following amendments to meet my objections thereto:

(1) Strike from the bill the words in lines 19 and 20 as follows: ~~"to veteran soldiers of the Confederate army~~ in the civil war of the age of sixty-four years and over," and insert in lieu thereof the following: "to soldiers who served during the civil war and who are now on the pension rolls of the State of Alabama or the United States, or the widows of such soldiers."

(2) Strike from the bill the words in lines 34 and 35 as follows: "sheriffs and deputy sheriffs and chiefs of police."

(3) Strike from the bill the words in lines 41, 42 and 43 as follows: "Provided that newspapers may be allowed to exchange advertising space at current rates with common carriers for transportation."

The suggestion of these amendments is not in accord with the advice of personal and political friends, who, considering rather my personal and political popularity than the not to be forgotten obligations to my public duty, have believed that I might do well to approve the bill in the form in which it reached me. How correctly they may apprehend the popular expectation it is not permitted me to inquire. Entertaining the fixed convictions which I do upon this subject, and mindful of the high duties to the people which the Constitution and my oath of office impose upon me, I have no right to speculate upon the effect of my action upon myself, and no choice as to the course which I must pursue.

The reasons which have impelled me will eventually, I trust, if not now, commend to my fellow-citizens the propriety of these suggested amendments.

I am in hearty accord with the sentiment that would extend every consideration and lend every public aid to the needy among those devoted men who gave their youth and ease and offered with unselfish fervor their all in the service of their country. To them and to their widows every thoughtful consideration is due as a mat-

ter of highest right. The pensions roll discloses the names of all these who have been willing to accept our assistance, and those who have not will justly prefer not to be included in the charitable terms of this bill.

In excluding sheriffs, deputy sheriffs and chiefs of police from the benefits of this bill I call attention to the act passed at this session providing for the appointment by the governor on the application of public service corporations of their employees as police with powers extending over the whole State. So far as officers of this character are concerned, the act referred to makes adequate provision for the policing of railway property and the protection of their rights. I call attention to the fact that existing laws provide compensation for all the public services rendered by sheriffs and chiefs of police. They are servants of the public and not of the railroads or any other private interest, and if they are not sufficiently paid their compensation should be increased by the State to a proper amount and not eked out by the bounty of railroad corporations or any private interests. That public officers should receive any part of their emoluments of their office from private sources would create an anomalous situation, in which there would be a manifest impropriety. The effect of obligations received constitutes an appeal to gratitude in every normal man, so subtle and powerful, that notwithstanding the rectitude of the recipient, and without the slightest imputation upon any individual who would be a beneficiary under this bill, it would be unwise, as well as opposed to the settled policy both of the State and Federal governments, as expressed in the statutes of each, to permit any branch of public service to come within its influence. This justifies the exclusion both of the sheriffs and police and of the newspapers from the terms of this bill.

The newspapers are the strongest force in the complex civilization of the day; forming the opinions and leading the judgment of thousands, their influence upon political policies is difficult to estimate. The absolute liberty of the press is one of the surest guarantees of wise government and of the perpetuation of equal

rights under the law, and if the effect of this bill would be to lay them under obligations to a great and powerful influence without any regard to whether they would be affected thereby, both they and the general public should avoid such a situation. No class of citizenship stands higher in the public estimation than that which furnishes our judicial and legislative officers, and none is entitled more fully to the complete confidence of the people. ~~Neither they nor others think it proper that~~ they should be permitted to rest under obligations to private interests, and no one has ever considered it an imputation upon them that the constitution provides in express terms that they shall not be the recipients of railway favors.

If this theory is correct as to those who make and interpret our laws, why should it not apply with equal force to those who form that public opinion of which the written law is but the concrete expression.

If it be said that the newspapers are expected to render a valuable consideration in return by advertising, I can see no valid reason why the present statutes should be changed. They can still be paid for advertising and from such receipts of their business buy transportation on the same terms at which it is sold to the general public.

The supreme court of the United States has within the past few days sustained the validity of the federal anti-pass law, which is the same as ours, in a case involving the right of Congress to prohibit the exchange of advertising for transportation. The interstate commerce commission had previously taken the same position calling attention to the fact that advertising rates were not the same in all places, and in all papers; that for the same amount of advertising one paper received if exchanged at current rates one quantity of transportation while another received a greater or less amount, thus bringing about that inequality of treatment of the public by railroads which has been productive of great evils, and which public policy has been careful to avoid. In the press of this State, in common with the general public, I take a just pride. To all measures looking to

the furtherance of their interests, which does not involve a governmental policy out of which ill to the general public might follow, I am ready to lend a hearty assent.

For a number of years one of the great questions that has agitated the American public has been the extent to which corporate power should be allowed to go, and the proper regulation, by fair, just and equal laws, of their public activities; and it has been the consensus of opinion that the transportation of all persons at the same rate for a money consideration is the best method of relieving a situation that had become inimical to the public. However proper the motive which inspired the provisions which I have eliminated, or however blameless the intent with which the favors provided for might be received, the net result would unquestionably be an enormous accession to corporate influence and to corporate power. This situation which would inevitably follow is the exact state of affairs which the policy of the law, as expressed throughout the whole country during recent years, has sought to avoid.

To approve this bill in the form in which it has reached me would do violence to a policy which has been definitely adopted in this State, and by the federal Congress, and which has seemed justified by a general approval and which I feel convinced follows laws most productive of benefit to the general public.

Emmet O'Neal,  
Governor.

Mr. Almon moved that the further consideration of the governor's message be postponed until tomorrow at eleven o'clock and that the same be made a special order for that hour, and the motion prevailed.

Yeas, 51; nays, 42.

Yeas:

Messrs:—

Speaker	Bell (Autauga)	Carroll
Acker	Brown (Pike)	Cranford
Avery	Brown (Tuscaloosa)	Dennis
Barnard	Burton	Doswell



Eastis	Mastin	Rice
Edmonds	Mathews	Richeson
Gewin	Milner	Rylance
Griffith	Molton	Smith
Helms	McCurdy	Stollenwerck
Hood	Nicholson	Sturdivant
Jenkins (Baldwin)	O'Neill	Thomas
Jones	Pegram	Twombly
Kilburn	Percy	Waddell
Knight	Popwell	Waits
Lavender	Preston	Walden
Letson	Pruett	Walker
Lumpkin	Quinn	Wilhite

—51

Nays:

Messrs:—

Arnold	Horton	Mulkey
Bell (Pickens)	Huddleston	McDonald
Boswell	Jackson	McLendon
Bush	James	Overton
Butt	Jenkins (Bullock)	Page
Capps	Johnson (Clarke)	Pharr
Chamberlain	Johnson (Marshall)	Pitts
Darden	Judge	Ramsey
Flanagan	Lawson	Roberson
Fletcher	Lee	Sanders
Fowlkes	Lloyd	Strickland
Fuquay	Martin (Calhoun)	Sullivan
Greene	Martin (Jackson)	Whately
Hollis (Walker)	Merritt	Wheless

—42

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills:

S. 376. To confer upon justices of the peace jurisdiction of all offenses arising under the game and fish laws of Alabama.

S. 377. For the better enforcement of the game and fish laws of this State, to provide for the appointment of deputy game wardens in the several counties of this State, and to provide for their compensation.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bills the titles to which are set out in the above and foregoing Senate message were read one time and referred to appropriate standing committees as follows:

Game, Fish and Forestry Preservation, S. 376, S. 377.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

The committee on Engrossed bills have examined the following House bill:

H. 312. To amend section 7550 of the code of Alabama.

And find same correctly engrossed.

A. K. Merrill,  
Chairman.

The report of the committee was concurred in.

On motion of Mr. Brindley, the House resolved itself into a committee of the whole for the purpose of considering H. 691 with substitute.

COMMITTEE OF THE WHOLE.

Mr. Sullivan was again named as chairman of the committee of the whole House.

On motion of Mr. Brindley the committee arose and reported progress.

## REPORT OF COMMITTEE OF THE WHOLE.

Mr. Sullivan, chairman of the committee of the whole, reported the following bill:

H. 691. (With substitute). To further amend the revenue law of the State of Alabama.

Favorably to the House with amendment; said amendment being as follows:

Amend section 1 so that the same will read as follows:

Section 1. Telegraph and telephone companies to pay privilege tax to State treasurer.—Each person, firm or corporation operating a telegraph or telephone business in more than one county and between points wholly within this State, and without reference to its interstate commerce or governmental business, shall pay in advance, on the first day of January of each year to the State treasurer, a privilege tax based on the mileage of the telegraph or telephone line operated by it in this State as follows: Each telegraph company whose lines within this State do not exceed one hundred and fifty miles, shall pay at the rate of one dollar per mile; each telegraph company whose lines within this State exceed one hundred and fifty miles shall pay five hundred dollars, together with one dollar for each additional mile of such lines within this State; and each telephone company operating in more than one county whose lines within the State do not exceed two hundred miles, shall pay at the rate of one dollar per mile; and each telephone company operating in more than one county whose lines within this State exceed two hundred miles, shall pay three hundred dollars; and no telegraph company which has paid the privilege tax herein required, shall be liable to pay any additional privilege tax in this State, except license required by cities and towns, and except upon its real estate, fixtures and other local property, which shall be subject to taxation as other property in the State; and no telephone company which has paid the privilege tax herein required, shall be liable to pay any additional privilege tax in this State except license required by cities and towns,

but the real estate, fixtures, and other local property of such telephone companies shall be subject to taxation as other property in this State. The payment of such privilege tax to the State treasurer shall be accompanied by a sworn report to the State auditor, showing the number of miles of telegraph or telephone lines operated by such company in this State; and in default of the payment of such tax, or the making of such report, for sixty days after the first day of January, a penalty of double the amount of such tax shall be imposed upon and collected of each defaulting company.

Amend section 2: Beginning after the word "year" in line seven and adding the following: "Provided that such express company which operates on less than fifty miles of railroad shall pay an annual tax of \$250.00. And further amend section 2 by adding after the words "which operates" on more than fifty miles, etc.

Amend section 3 by adding after the words "franchise taxes," in the last line of said section, the following: "and in full satisfaction for all taxes imposed on sleeping car business of such person, firm or corporation and upon the property and intangible assets used in such business, and no company or person required to pay such taxes to the State shall be required by any municipality in which it does business by agent, to pay any sum as a license or privilege tax greater than ten dollars for any such municipality which may be authorized by law to collect a privilege or license tax from such company or person. And each such sleeping car company shall pay the said sum of fifty-five hundred dollars for the year 1911 on or before the first day of July of said year."

Amend H. 691 by striking out section 4, substituting in lieu thereof the following:

Every insurance company, except fraternal, doing business in this State, which files a statement as required by section 4556 of the code, shall at the same time pay to the insurance commissioner the following amounts, that is to say: each fire insurance company shall pay one and one-half dollars on each one hundred dollars of the gross premiums received, less the premiums re-

turned by cancellation by it in this State, and every other insurance company shall pay two dollars on each one hundred dollars of the gross premiums so received in this State, during the year ending on the 31st of December preceding, as a tax for doing business in this State, and no credit or deduction of any kind shall be allowed or made on account of the cost of reinsurance taken by such company in a company not authorized to do business in this State; provided, that the domestic insurance companies shall pay only one dollar less said return premiums on each one hundred dollars of gross premiums so received by it in this State, and any such domestic company paying a tax on its property or shares may deduct the same from this tax.

"Any insurance company failing or refusing to make return as required by law, or failing or refusing to pay the tax herein levied, shall forever be debarred from doing business in this State, and shall be liable to a penalty in double the amount of such tax.

"And in addition to said amount paid the State as aforesaid, there may by ordinance be levied or collected by the several cities and towns of the State from insurance companies for the privilege of doing business within the municipal limits of said cities and towns, a privilege or license tax, to be computed and based on the population of said cities as fixed by the federal census, not exceeding the following scale, to-wit:

1. Each fire insurance company in cities and towns having a population of five thousand or less, ten dollars, and one dollar on each one hundred dollars and major fraction thereof of gross premiums, less the premiums returned by cancellation, received during the preceding year on property situated in said cities and towns; and every other insurance company, ten dollars, and one dollar on each one hundred dollars and major fraction thereof of gross premiums received during the preceding year on policies issued during said year to citizens of said cities and towns.

2. Each fire insurance company in cities and towns having a population of five thousand and not over ten

thousand, fifteen dollars, and one dollar on each one hundred dollars and major fraction thereof of gross premiums less the premiums returned by cancellation, received during the preceding year on policies issued during said year on property situated in said cities and towns; and every other insurance company, fifteen dollars, and one dollar on each one hundred dollars and major fraction thereof of gross premiums received during the preceding year on policies issued during said year to citizens of said cities and towns.

3. Each fire insurance company in cities and towns having a population of ten thousand and not exceeding fifty thousand, twenty dollars, and one dollar on each one hundred dollars and major fraction thereof of gross premiums, less the premiums returned by cancellation, received during the preceding year on policies issued during said year on property situated in said cities and towns; and every other insurance company, twenty dollars, and one dollar on each one hundred dollars and major fraction thereof of gross premiums received during the preceding year on policies issued during said year to citizens of said cities and towns.

4. Each fire insurance company in cities and towns having a population of more than fifty thousand, fifty dollars, and one dollar on each one hundred dollars and major fraction thereof of gross premiums less the premiums returned by cancellation, received during the preceding year on policies issued during said year on property situated in said cities and towns; and every other insurance company, fifty dollars, and one dollar on each one hundred dollars and major fraction thereof of gross premiums received during the preceding year on policies issued during said year to citizens of said cities and towns.

Upon the payment or tender of the amount named in such ordinance, to any city or town, any such insurance company which is authorized to do business in this State shall be permitted to do business in said city or town through its agents, who shall not be subject to or required to pay a further privilege or occupation tax for representing such company or soliciting business for

it. On the first day of January of each year, or within sixty days thereafter, each insurance company which did any business in any city or town in this State during the preceding year, shall, if a license or privilege tax is imposed by said city or town on such insurance companies, furnish the mayor or executive head of such city or town, a statement in writing duly verified, showing the full and true amount of gross premiums received during the preceding year, as provided under this act, and shall accompany such statement with the amount of license due according to the foregoing schedule. Failure to furnish such statement, or to pay such sum, shall subject the company and its agents to such penalties as the ordinances of such city or town may prescribe for doing business therein without a license.

Amend substitute for H. 691 by striking out section 8 thereof.

Amend the substitute by inserting the following as section 8.

Sec. 8. Brewers.—Each person, firm or corporation operating a brewery or breweries shall pay annually a license tax of fifteen hundred dollars for each brewery. Every brewery, of another State doing business in this State shall pay the same license; and any person, whether retail dealer or not, selling the goods or products of any brewery, shall be deemed and held to be an agent thereof, unless such brewery shall have an established agency in this State.

“Section 10. The county tax commissioner shall receive a fee of one dollar for each case where a decree is rendered by the probate court for the sale of property for taxes. Such fee to be charged up as costs and collected and paid as now required by law.”

Amend section 11 by striking out the word “keeps” in line 1 and insert in lieu thereof the words “owns for private use,” and by adding at the end thereof the following: every manufacturer, dealer or owner of such automobile for purpose of hire shall pay a State license of one dollar on each horse power up to twenty and one-half dollar on the horse power in excess thereof, basing

said license on the average horse power of all such automobiles under his control, and 40 per cent. of the gross revenue derived from any incorporated city or town shall revert to the treasurer of said city or town on the first day of October after this act goes into effect, and 40 per cent. of the gross revenue derived from any county outside of an incorporated city or town shall likewise revert to the treasurer of said county.

Amend section 11 as amended by inserting at the end thereof: The license imposed by this section shall be in lieu of all privilege licenses by counties or municipalities on owners of automobiles or like cars for private use.

After the word "corporations," where the same appears at the end of line 46 of section 12 add the following: Provided, the payment of the franchise tax required by this article in any one county shall be sufficient, notwithstanding the said corporation may do business or have a resident agent in more than one county.

Amend section 13 to read as follows:

Section 13. The following property shall be exempt from taxation: All bonds of United States and of this State, and all county and municipal bonds issued after the passage of this act by counties or municipalities of this State. All property, real and personal, of this State, and of the county and municipal corporations of this State; all cemeteries and all lots in incorporated cities and towns, and all lands and buildings thereon, when the same are used exclusively for religious worship, educational, or purely charitable purposes; all school furniture and personal property used exclusively for school purposes; and all property, real or personal that may be used exclusively for agricultural or horticultural associations of a public character, or for the maintenance and education of young men preparing for the ministry in any church or religious association; all property of State or county fair associations; and all property now exempt by law; provided, that nothing herein shall extend the time of exemption from taxation of any property now exempted for a limited time.



Amend section 13 by inserting the following words at the beginning of said section and before the words "all bonds": "The following property shall be exempt from taxation."

And also by adding at the last of said section thirteen, "also all other property now exempt from taxation by law."

Amend section 14 of the substitute for House bill 691 by adding at the end thereof, the following:

"Provided, however, that the privilege taxes required by law to be paid on mortgages, deeds of trust and similar instruments shall not be required on or for the filing of any such instrument providing additional or substituted security for any indebtedness secured by an instrument previously filed upon the filing of which the taxes provided by law have been paid, or which was filed at a time when no such privilege taxes were required by law, provided the secured indebtedness remains unchanged in amount and in time of maturity."

Amend section fifteen by striking out after the words "soft drinks not containing caffeine" the words "a license tax," and inserting in lieu thereof the words "an annual license tax shall be paid."

Amend section sixteen as follows: Strike out the word "For," the first word of the section, and insert after the words "where admission fees are charged," these words, "shall pay an annual license tax."

Amend section 16 by adding after the words, "one hundred dollars," the following: "Provided, that when base ball is allowed by law to be played in any city or town on Sunday, the license therefor in such city or town shall be double the amount hereinbefore named."

Amend section 17 as follows:

Insert at the beginning of the section, these words: "for circuses license tax shall be paid as follows:

Substitute for section 20: .

Money lenders.—Every person, firm or corporation, whose principal business is lending money, and who has a fixed place of business for such purpose, shall pay an annual license of one hundred dollars and this subdivision shall apply to all corporations engaged in the

business, whether organized under the laws of this State or any other State or county, but shall not apply to banks or banking institutions regularly organized as such; the payment of a tax in one county of the State, as evidenced by the license or official certificate of the probate judge shall be sufficient.

Amend section 21 so that the same shall read as follows:

Section 21. Motorcycles or like vehicles.—Each person, firm or corporation who keeps any motorcycle or like vehicles shall pay an annual license tax of two dollars for each motorcycle or like vehicle.

Amend section 22 so that the same shall read as follows:

Section 22. Pistols, bowie or dirk knives.—Each person, firm or corporation dealing in pistols, bowie knives or dirk knives, brass knucks or knucks of like kind, noiseless guns or air rifles, whether principal stock in trade or not, shall pay an annual license tax of one hundred dollars.

Amend section 27 so that the same shall read as follows:

Section 27. Theatres.—For each theatre, or moving picture show, or show of like character, an annual license tax shall be paid as follows: In towns or cities containing more than twenty thousand inhabitants, one hundred dollars; in towns and cities containing more than seven thousand and less than twenty thousand inhabitants, fifty dollars; in towns and cities containing less than seven thousand and more than three thousand inhabitants, twenty-five dollars; in towns and cities of three thousand inhabitants or less, twenty dollars; for each open air, or summer theatre, park or resort, fifty dollars. This license shall only extend to dramatic, legerdemain, acrobatic, vaudeville, moving picture, and operatic exhibitions given in the building, park or resort so licensed; provided, that if any doubt arises as to the character of the entertainment proposed to be exhibited under any license herein provided for, the judge of probate of the county in which the theatre, park or resort is located, shall determine whether or not it is covered by the license so issued.

Amend section 33 to read as follows:

Section 33. Fireworks.—All dealers in fireworks, such as Roman candles, sky rockets, torpedoes, fire crackers, cap guns, devil wheels and such other articles commonly known as fire works, shall pay annually a privilege tax in cities of twenty-five thousand population or more, fifty dollars; in cities of ten thousand ~~population and not more than twenty-five thousand~~ population, twenty-five dollars; in all other places, ten dollars.

To amend by adding the following section:

Section 33 1-2. Each person engaged in the practice of law, medicine, osteopathy, dentistry, veterinary surgery, optician, architect, actuary, public accountant, civil engineer or mechanical engineer, or electrical engineer, and having a place of business in any incorporated town or city, and charging for their services, shall pay an annual license for the State only, of five dollars.

Amend section 36 so that the same shall read as follows:

Section 36. This act shall go into effect on January 1st, 1912, as to all provisions affecting licenses, except where licenses by this act are levied on persons or occupations not heretofore required to pay a license tax. The provisions of this act as to levying a license tax on all persons and occupations not heretofore required to pay a license shall go into effect thirty days after the passage of this act.

Amend the substitute by adding thereto the following sections after section 33 1-2:

Section 33-A. Any person, firm or corporation who has in its employ more than fifty persons, and who conducts a commissary or store at which their employees trade on checks, orders, or other device, shall pay a license tax of twenty-five dollars.

Section 33-C. Brokers or commission merchants.—For each commission merchant or dealer in merchandise other than produce dealers for commission in towns and cities of less than twenty-five hundred inhabitants, five dollars; and of twenty-five hundred and less than

five thousand, ten dollars; in towns and cities of five thousand and less than ten thousand inhabitants, fifteen dollars; in towns and cities of ten thousand and less than twenty-five thousand inhabitants, twenty-five dollars; in towns and cities of twenty-five thousand inhabitants or more, fifty dollars.

Section 33-D. Freight line or equipment companies.—Any person or persons, joint stock association or corporation, wherever organized or incorporated, engaged in the business of operating cars, not otherwise listed for taxation in this State, for the transportation of freight, whether such freight is owned by such company, or any other person or company, over any railway line or lines in whole or in part within this State, such line or lines not being owned, leased or operated by such company, whether such cars be termed box, flat, coal, ore, tank, stock, gondola, furniture or refrigerator cars, or by some other name, shall be deemed to be a freight line company; any person or persons, joint stock association or corporation, wherever organized or incorporated, engaged in the business of furnishing or leasing cars, of whatever kind or description, to be used in the operation of any railway line or lines, wholly or partially within this State, such line or lines not being owned, leased, or operated by such company, and such cars not being otherwise listed for taxation in this State, shall be deemed an equipment company.

Every freight line or equipment company doing business or running cars which are operated in this State, shall annually between the first day of January and the first day of March, under oath of the person constituting such company, if a person, or under oath of the president, secretary, treasurer, superintendent, or chief officer of such association or corporation, if an association or corporation, make and file with the State tax commission a statement, in such form as the State tax commission may prescribe, showing the gross income of said freight line or equipment company received from railroad companies operating wholly or partially within this State, and the gross income of said freight line or equipment company from every other source whatso-

ever received within this State. It shall be the duty of the State tax commission in the month of May of each year, or as soon thereafter as practicable, to assess to each freight line or equipment company doing business, or owning cars which are operated within this State a sum, in the nature of an excise tax or license, to four per cent. of the gross amount of income from all sources within this State reported by each freight line or equipment company. It shall be the duty of each freight line or equipment company so assessed to pay the amount of said assessment within the time prescribed for the payment of other taxes or license to the auditor of the State, who shall promptly cover the same into the State treasury.

Should any freight line or equipment company fail or refuse to make the statement herein provided for, it shall be the duty of the State tax commission, to ascertain the gross amount of the income of said freight line or equipment company from the report filed with the interstate commerce commission of the United States by said freight line or equipment company, and from said reports, compute the income of said freight line or equipment company, on a mileage basis, and levy a tax of four per cent. on said income of said freight line or equipment company in proportion that the mileage of the railroad companies operating within this State, over which said freight line or equipment company operates its cars within this State shall bear to the whole mileage shown by the report filed with the interstate commerce commission of the United States, adding thereto fifty per cent. of the amount so ascertained, and all expenses of obtaining the report filed with the interstate commerce commission of the United States as a penalty. The tax and the penalty herein provided for shall be enforced and collected, after becoming delinquent, in the same manner and by the same means as other taxes are collected, and it shall be the duty of the State auditor to enforce it.

Section 33-E. In all cases in this act where population controls the amount of license, the last census report of the Federal government shall govern. The li-

censes herein levied are payable on the first day of January, and the amount of privilege and franchise taxes required to be paid under this act, is intended as per annum tax, unless otherwise specified.

Section 33-F. The courts of county commissioners or other courts of like jurisdiction, except in the cases otherwise provided, may at any regular or special term, add to the license and franchise taxes herein levied, such amounts not exceeding fifty per cent. of such taxes for county purposes, as, in its judgment may be necessary, and no license shall be issued without payment of such percentage for county purposes.

Section 33-G. It shall be unlawful for any person, firm or corporation to engage in or carry on business, or do any act by which a license or franchise tax is by law required, without having first paid for or taken out a license therefor in the manner as provided by law.

Substitute for section 33-A:

Section 33-A. Any person firm or corporation who conducts a commissary or store at which their employees trade on checks, orders, or other device shall pay an annual license tax as follows: When such person, firm or corporation employes less than fifty persons, fifteen dollars; when more than fifty and less than one hundred are employed, \$25.00; when more than one hundred persons are employed, \$50.00.

Amendment to section 33-G of substitute to H. 691: By adding at the end of said section the following: Any person, firm or corporation who engages in or carries on any business or who does any act for which a license is by law required, without having first paid for and taken out a license therefor, cannot enforce any contract growing out of such business.

And the amendment reported by the committee of the whole to the substitute was adopted.

Mr. Huddleston offered the following amendment to the substitute:

Amend section 33 1-2 by adding: provided ex-confederate soldiers who are entitled to practice law or medicine in Alabama shall not be required to pay this tax.

And the amendment was adopted.

Yeas, 48; nays, 31.

**Yeas:**

**Messrs:—**

Speaker	Hollis (Choctaw)	McDonald
Acker	Hollis (Walker)	McLendon
Arnold	Huddleston	Quinn
Avery	James	Ramsey
Bell (Pickens)	Johnson (Clarke)	Rylance
Brown (Pike)	Judge	Sanders
Brown (Tuscaloosa)	Knight	Smith
Butt	Lawson	Strickland
Capps	Lee	Stollenwerck
Darden	Lumpkin	Sturdivant
Doswell	Martin (Jackson)	Sullivan
Fletcher	Mastin	Thomas
Fowlkes	Mathews	Waddell
Fuquay	Merrill	Waits
Gewin	Merritt	Walden
Greene	Milner	Whatley

—48

**Nays:**

**Messrs:—**

Avery	Jackson	Mulkey
Barnard	Jenkins (Baldwin)	McCurdy
Boswell	Jenkins (Bullock)	Nicholson
Brown (Pike)	Johnson (Marshall)	O'Neill
Burton	Jones	Overton
Carroll	Kilburn	Popwell
Chamberlain	Lavender	Pruett
Eastis	Letson	Twombly
Edmonds	Lloyd	Wheless
Flanagan	Molton	Wilhite
Hood		

—31

Mr. Hollis of Walker moved to strike section 33 1-2 of the substitute out, and on motion of Mr. Mastin the motion was laid upon the table.

Yeas, 52; nays, 31.

Yeas:

Messrs:—

Avery	Horton	McDonald
Barnard	Jackson	Nicholson
Brindley	Jenkins (Baldwin)	O'Neill
Boswell	Jenkins (Bullock)	Overton
Brown (Pike)	Johnson (Marshall)	Pharr
Burton	Judge	Popwell
Butt	Lavender	Pruett
Capps	Lawson	Quinn
Carroll	Lee	Ramsey
Darden	Lloyd	Roberson
Eastis	Martin (Calhoun)	Strickland
Edmonds	Mastin	Stollenwerck
Flanagan	Mathews	Sturdivant
Fletcher	Milner	Walden
Fuquay	Molton	Whatley
Griffith	Mulkey	Wheless
Hood	McCurdy	Wilhite

—52

Nays:

Messrs:—

Acker	Hollis (Choctaw)	Pegram
Arnold	Hollis (Walker)	Richeson
Bell (Autauga)	Huddleston	Rylance
Bell (Pickens)	James	Sanders
Brown (Tuscaloosa)	Jones	Smith
Dennis	Knight	Thomas
Doswell	Letson	Twombly
Fowlkes	Merrill	Waddell
Gewin	Merritt	Waits
Greene	McLendon	Walker
Helms		

—31

And the substitute as amended to the bill, H. 691, was adopted.

Yeas, 60; nays, 11.



**Yeas :**

Messrs :—

Acker	Horton	O'Neill
Avery	Huddleston	Overton
Bell (Pickens)	Jenkins (Bullock)	Page
Brindley	Johnson (Marshall)	Pitts
Boswell	Jones	Pruett
<del>Brown (Pike)</del>	<del>Knight</del>	<del>Quian</del>
Burton	Lavender	Ramsey
Butt	Lawson	Rylance
Carroll	Lee	Smith
Chamberlain	Letson	Strickland
Darden	Lloyd	Stollenwerck
Dennis	Lumpkin	Sturdivant
Eastis	Martin (Jackson)	Sullivan
Edmonds	Mastin	Thomas
Flanagan	Mathews	Waits
Fuquay	Merrill	Walden
Gewin	Molton	Walker
Greene	Mulkey	Whatley
Hollis (Walker)	McCurdy	Wheless
Hood	McDonald	Williams

—60

**Nays :**

Messrs :—

Speaker	Judge	Sanders
Arnold	Nicholson	Waddell
James	Popwell	Wilhite
Jenkins (Baldwin)		

—11

And the bill:

H. 691. To further amend the revenue law of the State of Alabama.

As amended by the substitute as amended, was read a third time at length and passed.

Yeas, 54; nays, 20.

## Yeas:

## Messrs:—

Acker	Huddleston	O'Neill
Avery	Jenkins (Bullock)	Overton
Brindley	Johnson (Marshall)	Page
Boswell	Jones	Pitts
Brown (Pike)	Lavender	Pruett
Bush	Lawson	Quinn
Butt	Lee	Ramsey
Carroll	Lloyd	Richeson
Darden	Lumpkin	Rylance
Dennis	Martin (Jackson)	Strickland
Doswell	Mastin	Stollenwerck
Eastis	Mathews	Sturdivant
Flanagan	Merrill	Sullivan
Fletcher	Molton	Thomas
Fuquay	Mulkey	Waits
Greene	McCurdy	Walker
Hollis (Walker)	McDonald	Whatley
Hood	McLendon	Wheless

—54

## Nays:

## Messrs:—

Speaker	Judge	Popwell
Arnold	Knight	Sanders
Burton	Letson	Smith
Edmonds	Merritt	Twombly
Horton	Milner	Waddell
James	Nicholson	Wilhite
Johnson (Clarke)	Pegram	

—20

## MESSAGE FROM THE SENATE.

## Mr. Speaker:

The Senate has passed the following House bill:

H. 543. To amend sections 2, 3, 4, and 5 of an act entitled an act to declare the powers and jurisdiction of the city court of Gadsden, in Etowah county, approved February 27th, 1901.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

RESOLUTION.

The following resolution was introduced:  
By Mr. Brindley:

H. R. 111. Resolved by the House of Representatives, That the thanks of the House are hereby extended to Hon. Geo. J. Sullivan of Mobile for the kind, courteous and impartial manner in which he discharged his trying duties as chairman of the committee of the whole House while considering the revenue bill.

The rules were suspended and the resolution was unanimously adopted by a rising vote.

ADJOURNMENT.

On motion of Mr. Richeson, the House adjourned until eleven o'clock tomorrow morning.

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FORTY-FIRST DAY.

House of Representatives.  
Friday, March 17th, 1911.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. Mr. Jones, of the House.

ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs :—

Speaker	Bell (Autauga)	Brown (Pike)
Acker	Bell (Pickens)	Brown (Tuscaloosa)
Arnold	Brindley	Burton
Barnard	Boswell	Bush

Butt	Jones	Pharr
Capps	Judge	Pegram
Carroll	Kilburn	Percy
Chamberlain	Knight	Pitts
Cranford	Lavender	Popwell
Darden	Lawson	Preston
Dennis	Lee	Pruett
Doswell	Letson	Quinn
Eastis	Lloyd	Ramsey
Edmonds	Lumpkin	Richeson
Flanagan	Martin (Jackson)	Roberson
Fletcher	Mathews	Rylance
Fuquay	Merrill	Sanders
Greene	Merritt	Strickland
Griffith	Milner	Sturdivant
Helms	Molton	Sullivan
Hollis (Choctaw)	Mulkey	Thomas
Hollis (Walker)	McCurdy	Twombly
Hood	McDonald	Waddell
Horton	McLendon	Walden
Jackson	Nicholson	Walker
James	O'Neill	Whatley
Jenkins (Bullock)	Overton	Wheless
Johnson (Clarke)	Page	Wilhite
Johnson (Marshall)		Wright

—86

A quorum was present.

## JOURNAL.

The chairman of the standing committee on the revision of the Journal, made the following report:

Mr. Speaker:

Your committee on the revision of the Journal, beg leave to report as follows:

We have examined the Journal for the 40th day, and find the same to be correct.

J. B. Rylance,  
Chairman.

The report of the committee was concurred in, and the Journal for the 40th day was approved.

## LEAVE OF ABSENCE.

Leave of absence was granted to Messrs. Lane for today and to Mr. Fowlkes indefinitely.

Mr. Rylance gave notice that on the next legislative day, he would move to take H. 722 from the adverse calendar.

Mr. Chamberlain gave notice that on the next legislative day, he would move to take the bill S. 22 from the adverse calendar.

Mr. Matthews gave notice that on the next legislative day, he would move to take the bill H. 455 from the adverse calendar.

## BILLS ON SECOND READING.

Mr. Mulkey, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 684. To authorize and empower courts of county commissioners or boards of revenue in counties having a population of one hundred thousand or more, to purchase automobiles for the purposes of road inspection or supervision, and to provide for the maintenance and up-keep thereof, and for the employment of drivers to operate the same, and to provide for the compensation of such drivers.

S. 352. To amend an act entitled an act to establish the Morgan county law and equity, etc., approved February 25th, 1907.

S. 234. To amend section 6168 of the code of Alabama of 1907.

S. 316. To provide for the examination of plumbers and to establish a board therefor, and to regulate the business of installing sanitary plumbing and supervising and inspecting plumbing in cities or towns of this State, having a population of twenty-five thousand inhabitants or more, according to the Federal census of 1910, or any subsequent Federal census, and to provide penalties for the violation of this act.

S. 362. To amend sections 555, 558 and 560 of the code of Alabama.

Mr. Smith, chairman of the standing committee on Temperance, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 274. To authorize the manufacture and sale of pure wines in Cullman county, Alabama, from grapes and berries grown in said county, without a license.

H. 677. To prohibit the manufacture, sale or other disposition of spirituous, vinous and malt liquors in any and all towns, cities and other places in the county of Russell in the State of Alabama except in the town of Girard, Alabama, and to regulate and define how such spirituous, vinous and malt liquors may be manufactured and sold in said town of Girard; to provide for the creation of an excise commission for the town of Girard and to prescribe the powers and duties of such excise commission in said town of Girard and to prescribe the amount of license taxes to be paid by each licensee in the town of Girard, respectively to the State, the city and the county of Russell; to require a bond of each licensee and prescribe its office, purpose and liabilities; to prohibit the manufacture, sale, barter, exchange or giving away to induce the trade of said liquors or any other intoxicating liquors or beverages in the town of Girard except as authorized by this act under a license obtained and held as in this act provided and to make unlawful, and to prescribe penalties and punishments for all violations of this act.

H. 694. To authorize and regulate the manufacture, sale and other disposition of spirituous, vinous and malt liquors in all cities of the State of Alabama, which have a population of as much as one hundred thousand people, according to the last federal census, or which shall hereafter have such population according to any such census that may be taken hereafter; to provide for the creation of an excise commission in such cities; to prescribe the powers and duties of such excise commission; to prescribe the amount of license taxes to be paid by

each licensee; to require a bond of each licensee, its office, purpose and liability; to prohibit the manufacture, sale, barter, exchange or giving away to induce trade of said or any other intoxicating liquor, or beverage in said cities, except as authorized by this act and under a license obtained and held as in this act provided and to make unlawful and to prescribe penalties and punishments for all violations of this act.

H. 156. To make it unlawful to manufacture and to sell or otherwise dispose of spirituous, vinous and malt liquors in the county of Mobile, Alabama, and to provide regulations under which such manufacture, sale and other disposition of spirituous, vinous and malt liquors may take place, and to prescribe penalties for ties of certain officers in connection therewith, and to fix their compensation.

H. 672. To establish, maintain and regulate a dispensary in the town of Haleyville, Winston county, Alabama, for the sale of spirituous, vinous or malt liquors, wines, ciders, or other intoxicating liquors or beverages, and to establish a board of directors for the purpose of better controlling and regulating and managing the sale of said spirituous, vinous or malt liquors, wines, ciders or other intoxicating liquors or beverages; to provide for the distribution of the profits arising from the sale of same between the county and said town, and to direct the application of said funds to certain purposes, and for the management of same by and through a dispensary and providing his selection and other purposes.

S. 379. To authorize and regulate the manufacture, sale and other disposition of spirituous, vinous and malt liquors in the city of Montgomery, State of Alabama; to provide for the creation of an excise commission in such city; to prescribe the power and duties of such excise commission; to prescribe the amount of license taxes to be paid by each licensee, respectively, to the State, the city and the county in which operates; to require a bond of each licensee and prescribe its office, purpose and liabilities; to prohibit the manufac-

ture, sale, barter, exchange or giving away to induce trade of said, or any other intoxicating liquors or beverages in said city, except as authorized by this act, and under a license obtained and held as in this act provided, and to make unlawful, and to prescribe penalties and punishments for all violations of this act.

Mr. Horton, acting chairman of the standing committee on Judiciary, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 640. To amend section 3022 of the code of Alabama.

H. 747. To provide for the incorporation of any bishop of a diocese, existing or that may be created wholly or partly in Alabama, as a corporation sole; to define the authority and duty of such corporation; to provide for the successions of individuals therein, the administration of affairs thereof pending a vacancy in the bishopric, for the dissolution of such corporations, and for proof of things done under this act.

H. 705. To provide for and regulate the purchase of books, printing, stationery material and supplies for the officers of Mobile county, the cost of which is now or may hereafter be made, a charge upon said county.

H. 706. To provide for the more efficient working of the public roads in Mobile county, and certain streets and public thoroughfares in the city of Mobile; to provide for the control, working, building, maintenance and improvement of the same by the board of revenue and road commissioners of Mobile county; to prescribe the duties and fix the authority of said board; provide for the levy and collection of the road tax and the method of disbursing monies necessary to carry out the provisions of this act and provide penalties for violations of its provisions," approved August 2nd, 1907.

H. 732. To amend section 3231 of the code of Alabama.

S. 331. To authorize and empower the judges of the several law and equity courts in this State established



by the present session of the Legislature of Alabama, or that may hereafter be created, to set down for trial any cause pending in said court; and to repeal any and all local laws to the contrary.

S. 243. To amend section 3043 of the code of Alabama, 1907, so as to change the time of holding some of the courts in the counties in the northern division of Alabama.

S. 140. To amend section 4494 of the code of Alabama of 1907.

S. 196. To ratify and confirm conveyances by John Swann and John A. Billups, trustees, and by their successors, under and by virtue of an act of the General Assembly of Alabama, approved February 23, 1876, and known as the "Debt Settlement Act" (Acts 1875-6, p. 130) and to declare the trust created by that act fully executed, and confirming conveyances to the beneficiary under said trust—The Alabama State Land Company—and declaring the act public and providing its recitals shall be evidence of the facts stated, in all courts of this State.

S. 63. To provide a proceeding to establish heirship and to declare the effect of such proceedings.

S. 62. To provide a limitation in which proceedings to charge lands for the payments of debts of a decedent must be instituted so far as the same applies to the right of bona fide purchasers for value from the heir, or devisee.

S. 284. To amend section 3979 of the code of Alabama.

H. 229. To protect bona fide purchasers of real estate or any interest therein.

H. 232. To provide the effect of decrees of courts of chancery denying the validity of a will, where said will is contested under sections 6207 or 6208 of the code.

H. 234. To fix a limit to the time for the enforcement of rights, claims or liens created by or arising under assessments for taxes.

H. 233. To provide the effect of decrees admitting wills to probate.

H. 231. To protect purchasers at Judicial sales.

H. 230. To regulate *lis pendens*.

H. 638. To amend section 3019 of the code of Alabama.

H. 639. To regulate the presenting and signing of bills of exception and to provide for establishing bills of exception in the supreme court in all cases tried in any court of this State, with or without a jury, from which an appeal lies to the supreme court before any person acting as judge thereof, other than the regular judge of said court.

S. 285. To authorize the introduction in evidence of documents executed prior to February 12, 1879, by the governor in person or in his name by his secretary, purporting to convey any of the State's lands, but ineffective as conveyances, and certified copies of the record of any such documents which have been recorded for as much as twenty years, and to prescribe the probative effect of such documents and copies.

S. 182. To amend section 8 of the code of Alabama of 1907.

S. 298. To regulate the practice in the circuit court of Cleburne county.

Mr. Pittman, chairman of the standing committee on Claims and Fees, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 667. To make the fees of constables in all the counties of the State the same as sheriff's fees when they perform the same or similar services, except in criminal cases.

S. 113. To regulate the disposition and disbursement of witness fees collected by clerks of courts of record and which fees have not been paid out to the parties entitled thereto within two years after collected by the clerk.

S. 295. To provide that all claims which are payable out of the fine and forfeiture fund of Wilcox county, shall in future, be paid out of the general fund of said county, and to fix the amount or percentage of said

claims which will be so paid, and to regulate the payment of same.

Mr. Percy, chairman of the standing committee on Municipal Organizations, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 693. To dissolve the corporate existence of the town of Coal City, Alabama.

H. 734. To amend an act entitled an act to re-arrange and extend the corporate limits of Linden, Marengo county, Alabama, approved Oct. 10th, 1903.

S. 174. To amend section 1258 of the code of Alabama.

S. 341: To provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government.

S. 130. To amend section 1251 of the code

S. 14. To amend section 1193 of the code of 1907 of Alabama.

S. 314. To define the corporate limits of the town of Ariton, Dale county, Alabama.

H. 582. To alter, to re-arrange the boundaries of the town of Athens, Limestone county, Alabama.

H. 678. To empower the mayor and board of aldermen, boards of commissioners or other governing bodies in the towns and cities of this State to contribute financial aid for the relief of employees of the fire departments, police departments and other departments, of such towns and cities who are injured while in the performance of their duties as such employees and for the relief of the dependent families of such employees who are killed while in the performance of their duties as such employees.

H. 680. To authorize the board of revenue of Jefferson county to apply a portion of the sanitary fund raised by taxation to certain construction work.

H. 624. To amend section 1334 of the political code of the State of Alabama.

H. 67. To amend section 1193 of the code of 1907 of Alabama.

H. 708. To amend section 1128 of the code of Alabama.

Mr. Percy, chairman of the standing committee on Municipal Organizations, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment:

S. 208. To provide and create a commission form of government and to permit the adoption of the same in all cities in the State of Alabama which now have, or which may hereafter have, a population of more than fifteen hundred and not more than twenty-five thousand people according to the last federal census, or any federal or municipal census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, mayors, councilmen and certain other city officials and otherwise provide for the creation and maintenance of said commission form of government.

Mr. Hollis of Walker, chairman of the standing committee on Mining and Manufacturing, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment:

S. 323. To regulate the use and preservation of oil and gas and providing penalties for the violation thereof, ~~providing for the appointment of a suitable person,~~ when necessary, to enforce the same and prescribing his duties, compensation and to make appropriations therefor.

Mr. Smith, acting chairman of the standing committee on Appropriations, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 720. For the relief of Glidewell Brothers, to reimburse them for material furnished and labor performed for the completion of the eighth district agricultural school building located at Athens, Limestone county, Alabama, on account of the deficiency in the appropriation of the Legislature of Alabama for the erection of said building.

H. 744. To aid the work of tick eradication and the suppression and the control of glanders, hog cholera, and other infectious and contagious diseases in Alabama; and to make an appropriation for the same.

The above and foregoing bills were severally read a second time, and placed on the calendar.

#### BILLS REPORTED ADVERSELY.

Mr. Mulkey, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report:

S. 330. For the relief of J. D. Cromer, an ex-Confederate soldier of Hale county.

Mr. Pittman, chairman of the standing committee on Claims and fees, reported that said committee in ses-

sion had acted on the following bill and ordered same returned to the House with an adverse report:

S. 78. To fix the salary of the reporter of the decisions of the supreme court of Alabama, to provide a stenographer for the reporter and to fix the salary of such stenographer.

Mr. Horton, acting chairman of the standing committee on Judiciary, reported that said committee in session had acted on the following bills and ordered same returned to the House with an adverse report:

H. 676. To prescribe the duty of telegraph or cable companies in receiving, transmitting or delivering despatches, messages, telegrams, or cablegrams and to prescribe the damages that the sender of such dispatch, message, telegram or cablegram may recover for the violation of said duty.

H. 675. To prohibit lobbying in or at the Capitol building of the State of Alabama for or against any bill or resolution and to fix punishment for the violation of this act.

H. 296. To amend section 1, 2, 3 and 7 and to repeal sections 4, 5, 6, 8, 9, and 30 of an act entitled an act "to prescribe the qualifications of jurors and regulate the selection, drawing and summoning of jurors, and to prescribe the qualifications and provide for the appointment of jury commissioners, and clerks of such commissions and regulate the empanelling of grand and petit juries in all the courts of this State," approved August 31st, 1909.

#### INTRODUCTION OF BILLS.

On a call of the counties, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Arnold:

H. 749. To amend section 5675 of the code of Alabama of 1907.

Judiciary.

By Mr. Richeson (notice and proof) :

H. 750. To provide for the construction, repairing, working, and maintaining the public roads and bridges of Franklin county.

Revision of Laws.

Notice and proof, H. 750.

NOTICE.

Notice is hereby given that a bill will be introduced at the next session of the Legislature entitled: A bill to be entitled an act to provide for the construction, repairing, working and maintaining the public roads and bridges of Franklin county.

I, John C. Norwood, editor and proprietor of the Franklin Times, published weekly at Russellville, in the county of Franklin and the State of Alabama, do solemnly swear that a copy of the notice as per clipping attached was published weekly in the regular and entire issue of said newspaper for four consecutive weeks, commencing with the issue dated December 15, 1910, and ending with the issue dated January 12, 1911.

John C. Norwood.

Subscribed and sworn to before me this 23rd day of January, 1911.

Y. M. Quinn,  
Notary Public.

By Mr. Brindley:

H. 751. To amend section 1261 of the code of 1907.  
Municipal Organizations.

By Mr. Brindley:

H. 752. To amend section 1440 of the code of 1907.  
Municipal Organizations.

By Mr. Strickland (notice and proof) :

H. 753. To authorize and require the county treasurer of Marengo county to transfer the sum of five

hundred dollars from the proceeds of hire of convicts of said county in the fine and forfeiture fund to the general fund of said county and to apply said sum to the payment of a warrant drawn by the commissioners court of said county for \$500.00 in favor of E. E. Taylor on the general fund of said county.

Local Legislation.

Notice and proof, H. 753.

NOTICE.

Notice is hereby given that a bill will be introduced at the present session of the Legislature of Alabama to pay into the general fund of Marengo county out of the convict fund of said county—five hundred dollars paid to E. E. Taylor out of the general fund—for the use and benefit of the convict fund.

J. Y. Alston.

The State of Alabama, }  
Marengo County. }

Before me, A. L. Hasty, probate judge of Marengo county, and State aforesaid, personally appeared Lamar Matkin, known to me to be business manager of the Democrat-Reporter, a weekly newspaper published in Linden, Alabama, who being duly sworn, says upon oath that the notice, a copy of which is hereto attached was published in said paper for 4 consecutive weeks, Jan. 26th, to Feb. 16th, inclusive, 1911.

Lamar Matkin,  
Business Manager Democrat-Reporter.

Sworn to and subscribed before me this 1st day of March, 1911.

A. L. Hasty,  
Probate Judge.

By Mr. Darden:

H. 754. To regulate and provide for the quality of illuminating oil to be used in the coal and ore mines in the State of Alabama, and to regulate the compounding of same, and the sale thereof and to provide for the in-



spection of all such oils or illuminants, and provide penalties for violations of such regulations.

Mining and Manufacturing.

By Mr. Darden:

H. 755. To provide and regulate and prohibit the sale or other disposition of cigarettes or cigarette paper for smoking the same, or any substitute therefor by any person under the age of twenty one years in the State.

Judiciary.

By Mr. Horton:

H. 756. To authorize the superintendent of education of Alabama, subject to the approval of the governor of Alabama, to sell a strip for a railroad right of way, not exceeding one hundred and twenty-five feet in width, across the west half of the southwest quarter of section sixteen (16), township three (3), south, range four (4), west, being eighty acres of land more or less in limestone county, Alabama, or any portion thereof, and to require the secretary of State to issue a patent to the purchaser upon the payment of the purchase money therefor, and to repeal all laws and parts of laws in conflict with this act, so far as the same apply to the sale of said lands, but no further.

Corporations.

By Mr. Horton:

H. 757. To authorize the governor of Alabama to sell a strip for a railroad right of way not exceeding one hundred and twenty-five feet in width across the lands of the eighth district agricultural school, located in Limestone County, Alabama, belonging to the State, and to execute a conveyance therefor to the purchaser in the name of the State, attested by the secretary of State.

Corporations.

By Mr. Waddell:

H. 758. To provide a stenographer for the supreme court reporter, to fix the salary of the same, and make appropriation to pay such salary.

Claims and Fees.

By Mr. Lavender:

H. 759. To regulate the fees of the sheriffs for feeding prisoners in jail under charge or conviction or any indictable offense, and to provide the payment therefor  
Claims and Fees.

By Mr. Quinn:

H. 760. For providing free transportation for Confederate soldiers to next reunion.  
Soldiers Home and Pensions.

By Mr. Jenkins of Baldwin:

H. 761. To amend section 770 of the code of Alabama of 1907.

Revision of Laws.

By Mr. Brindley (notice and proof):

H. 762. To establish an inferior court in the town of Attalla, Alabama, in precinct No. 17, in lieu of all justices of the peace and notaries public with powers of justices of the peace therein, and to define the powers and duties of said court and the judge thereof.

Local Legislation.

Notice and proof, H. 762.

The State of Alabama }  
Etowah County. }

Before me, Fred Cox, a notary public in and for said State and county, personally appeared J. W. Mills, editor and manager of The Attalla Herald, a newspaper, published in the city of Attalla, Alabama, who by me being first duly sworn, says that he is editor and manager of the Attalla Herald and that as such editor and manager he published a notice in said paper to the effect that a bill would be introduced in the present Legislature to establish an inferior court in Attalla, Alabama, in lieu of all justices of the peace and notaries public with powers of justice of the peace, that he published said notice on Dec. 29th, 1910, Jan. 5th, 12th, and 19th, 1911, a copy of which notice is hereto attached.

J. W. Mills.

Sworn to and subscribed before me this the 14th day of March, 1911.

F. W. Cox,  
Notary Public.

"NOTICE.

~~Notice is hereby given that there will be introduced~~  
at the next session of the Legislature of Alabama to convene in January, 1911, a bill, for the establishment of an inferior court in Attalla, beat 17, Etowah county, Alabama, and for the appointment of a judge for same, and for the governing and maintenance of same; said proposed court to include jurisdiction in beats 23, 11, 15, 16 and 17, in said county. Dated this the 28th day of December, 1910. This notice is given under and in compliance with the Constitution and laws of Alabama.

Dec. 29, 1910 and Jan. 5, 12, 19, 1911."

GOVERNOR'S MESSAGE.

On motion of Mr. Whatley, the House concurred in and adopted the amendment proposed by the governor, said, governor's amendment being as follows:

March 17th, 1911.

To the House of Representatives:

I herewith return House bill 462, without my approval, and suggest the following amendment to meet my objection thereto:

Insert after the word "corporation" in line 11, and before the word "the" in line 12, the words "is reached."

The words are necessary to make the bill perfectly certain and also harmonizes the bill with the notice—the notice containing these omitted words.

Emmet O'Neal,  
Governor.

Yeas, 82; nays, 0.

**Yeas:****Messrs:—**

Speaker	Hollis (Choctaw)	McLendon
Acker	Hood	Nicholson
Arnold	Horton	O'Neill
Avery	Jackson	Overton
Barnard	James	Page
Bell (Autauga)	Jenkins (Bullock)	Pharr
Bell (Pickens)	Johnson (Clarke)	Pegram
Brindley	Johnson (Marshall)	Pitts
Boswell	Jones	Popwell
Brown (Pike)	Judge	Pruett
Brown (Tuscaloosa)	Knight	Quinn
Burton	Lavender	Ramsey
Bush	Lawson	Richeson
Butt	Lee	Rylance
Capps	Letson	Sanders
Carroll	Lloyd	Strickland
Chamberlain	Lumpkin	Stollenwerck
Cranford	Martin (Calhoun)	Sturdivant
Darden	Martin (Jackson)	Sullivan
Eastis	Mastin	Thomas
Edmonds	Merrill	Waddell
Flanagan	Merritt	Walden
Fletcher	Milner	Walker
Fuquay	Molton	Whatley
Gewin	Mulkey	Wheless
Greene	McCurdy	Wilhite
Griffith	McDonald	Wright
Helms		

—82

**MESSAGE FROM THE SENATE.****Mr. Speaker:**

The President and presiding officer of the Senate having signed the following Senate bill:

S. 311. An act to provide for the construction, repairing, working and maintaining of the public roads and bridges of Madison county, and to provide penalties for violations thereof.

Your signature thereto is requested.

J. A. Kyle,  
Secretary.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House immediately after the title had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bill the title to which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 403. To authorize and empower the circuit court to dispense with the drawing or empanelling of either grand or petit juries, for any term of court, in those counties in which there is now, or may hereafter be established, a court of record having concurrent jurisdiction with the circuit court.

Also:

S. 380. To require all persons subject to road duty under the general laws of the State to work upon the public dirt roads of Crenshaw county for not less than ten days in each year, or instead thereof to pay the sum of five dollars annually; to fix the time for paying said amount; to require the tax collector to file a list of the persons paying said road tax; to prescribe the manner in which said tax shall be applied to the working of the public roads and providing a penalty for the violation of the said law.

And send same to the House with notice and proof attached, and herewith exhibited as follows:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama at its present session to enact a law in substance as follows:

To require all persons subject to road duty under the general laws of the State to work upon the public dirt roads of Crenshaw county for not less than ten days in each year, or instead thereof, to pay the sum of five dollars annually; to fix the time for paying said amount; to require the tax collector to file a list of the persons paying said road tax; to prescribe the manner in which said tax shall be applied to the working of the public roads and providing a penalty for the violation of said law.

#### AFFIDAVIT OF PUBLICATION.

I, Chas. L. Kettler, publisher of the Crenshaw County News, a newspaper, published weekly at Luverne, Crenshaw county, Alabama, do solemnly swear that a copy of the above notice, as per clipping attached, was published once a week in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated February 2nd, 1911, and ending with the issue dated February 23rd, 1911.

Chas. L. Kettler.

Subscribed and sworn to before me this 23rd day of February, 1911.

W. B. Ruff,  
Notary Public.

Also:

S. 388. To amend section one of an act to create and establish the Marengo law and equity court for Marengo county.

And send same to the House with notice and proof attached, and herewith exhibited as follows:

#### NOTICE.

Notice is hereby given that a bill will be introduced at the present session of the Legislature of Alabama to amend section one of an act to create and establish the

Marengo law and equity court so as to give original jurisdiction to said Marengo law and equity court in all suits and actions at law when the matter or sum in controversy exceeds \$20.00.

A Citizen.

The State of Alabama, }  
Marengo County. }

~~L. W. F. Shute, editor and publisher of the Democrat-Reporter, a newspaper published in Marengo county, Alabama, hereby certify that the attached notice was published in said paper for four successive weeks, and that a copy of said paper was sent to each of its subscribers each week while said notice was being published.~~

Wm. F. Shute.

Sworn to and subscribed before me this the 6th day of March, 1911.

G. O. Miller,  
Notary Public.

And send same herewith to the House.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing Senate message, were read one time and referred to appropriate standing committees, as follows:

Judiciary, S. 403.

Local Legislation, S. 380.

Revision of Laws, S. 388.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 394. To amend section eleven hundred and twenty-eight (1128) of the code of Alabama.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message was read one time and referred to an appropriate standing committee as follows:

Municipal Organization, S. 394.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 399. To provide the time of holding the circuit court of Coosa county at Goodwater.

H. 424. To prescribe the duties of the tax assessor and tax collector in assessing and collecting the taxes in Cullman county, Alabama.

H. 538. To amend section five of an act, approved August 26, 1909, entitled an act to create and establish the Marengo law and equity court for Marengo county.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 218. To amend section 1761 of the 1907 code of Alabama.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.



## SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message was read one time and referred to an appropriate standing committee as follows:

Education, S. 218.

## REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

The committee on Enrolled bills have examined the following House bills:

H. 112. To provide and create a commission form of municipal government and to establish same in all the cities of Alabama which now have, or which may hereafter have, a population of as much as one hundred thousand people according to the last Federal census, or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials; and otherwise to provide for the creation and maintenance of said commission form of government.

H. 399. To provide the time of holding the circuit court of Coosa county at Goodwater.

H. 424. To prescribe the duties of the Tax assessor and tax collector in assessing and collecting the taxes in Cullman county, Alabama.

H. 538. To amend section five of an act, approved August 26, 1909, entitled an act to create and establish the Marengo law and equity court for Marengo county.

H. 543. To amend sections 2, 3, 4 and 5 of an act entitled an act to declare the powers and jurisdiction of the city court of Gadsden, in Etowah county, approved February 27th, 1901.

And find same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.

## SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled bills.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The President and presiding officer of the Senate having signed the following Senate bill:

S. 230. An act to create the office of court reporter for Marengo county; to provide for his appointment and compensation; to provide his powers and duties; and to provide for the taking and collection and disposal of court reporter's fees in the courts of record of Marengo county.

Your signature thereto is requested.

J. A. Kyle,  
Secretary.

## SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the clerk, the reading at length having been dispensed with by a two-third vote of a quorum present of the House, signed the bill the title to which is set out in the above and foregoing message from the Senate.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment, proposed by his excellency, the governor to:

H. 462. To change the corporate limits of the town of Kinsey, in Houston county, Alabama.

Yeas, 21; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker :

~~The Senate has originated and passed:~~

S. 75. To aid and encourage technical education in the State of Alabama, by providing increased facilities, buildings and maintenance for the Alabama polytechnic institute.

And ordered same sent forthwith to the House without engrossment.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message was read one time and referred to an appropriate standing committee as follows:

Appropriations, S. 75.

SPECIAL ORDER.

The hour of eleven o'clock having arrived, the House proceeded to the consideration of the special order which was the governor's message on H. 147.

Mr. Waddell moved to postpone the further consideration of the governor's message until the next legislative day.

Mr. Arnold moved to table the motion of Mr. Waddell, and the motion to table prevailed.

RECESS.

The hour of one o'clock having arrived, the House recessed until 3 o'clock P. M.

## AFTERNOON SESSION.

The hour of 3 o'clock having arrived, the House reconvened.

## SPECIAL ORDER.

The House proceeded to the consideration of the governor's message to the bill H. 147, and the House concurred in and adopted the amendment proposed by the governor to the bill, H. 147.

Yeas, 47; nays, 40.

## Yeas:

Messrs:—

Arnold	Johnson (Clarke)	Pegram
Bell (Autauga)	Johnson (Marshall)	Pitts
Brindley	Judge	Popwell
Boswell	Kilburn	Pruett
Burton	Letson	Quinn
Bush	Martin (Calhoun)	Ramsey
Capps	Martin (Jackson)	Rice
Fletcher	Mathews	Roberson
Fuquay	Merrill	Sanders
Griffith	Merritt	Stollenwerck
Helms	McCurdy	Sullivan
Hollis (Walker)	McDonald	Waits
Huddleston	Nicholson	Walker
Jackson	O'Neill	Whatley
James	Page	Wheeless
Jenkins (Bullock)	Parks	Wright

—47

## Nays:

Messrs:—

Speaker	Carroll	Greene
Acker	Chamberlain	Hood
Barnard	Cranford	Horton
Eell (Pickens)	Dennis	Jenkins (Baldwin)
Brown (Pike)	Doswell	Jones
Brown (Tuscaloosa)	Edmonds	Knight
Butt	Gewin	Lawson

Lee	Pharr	Strickland
Lloyd	Pegram	Sturdivant
Lumpkin	Percy	Twombly
Mastin	Preston	Waddell
Molton	Richeson	Walden
McLendon	Smith	Wilhite
		Williams

40

PAIRS ANNOUNCED.

Mr. Lavender stated that he was paired with Mr. Mulkey. If he were present he (Mr. Mulkey) would vote yea and Mr. Lavender would vote nay.

Mr. Rylance announced that he was paired with Mr. Hollis of Choctaw. If he were present he would vote yea and Mr. Rylance would vote nay.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 64. To provide for the better equipment and support of the University of Alabama, and to appropriate funds therefor.

And sends same herewith to the House.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message was read one time and referred to an appropriate standing committee as follows:

Appropriations, S. 64.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills:

S. 159. To amend section 1995 of the code of Alabama.

S. 161. To amend subdivision 7 of section 1678, article 1, chapter 41, of the code of 1907.

S. 264. To amend sections 8 and 11 of an act of the Legislature of Alabama, entitled "an act to regulate the employment of child labor in certain mills, factories and manufacturing establishments in this State, and to provide for the inspection of the rooms, places and premises wherein they are worked, and to adequately punish violations of this act," approved August 26th, 1909.

S. 283. To authorize the introduction in evidence of certified copies of any portions of the tract books kept in the office of the secretary of State purporting to show the disposition made by the State of any of its lands, and prescribe the probative effect thereof.

S. 265. To repeal sections 6619, 7196, 7212, 7213, 7214, 7215, 7216, 7217, 7218, 7219, 7220, 7221, and 7222 of the code of Alabama of 1907, and section 20 of an act of the Legislature of Alabama, page 158 of the acts of the special session of the Legislature of Alabama of 1909, and which is the same as section 6447 of the code of Alabama of 1907.

S. 263. To further prescribe and define the duties of the State prison inspector.

S. 259. To prohibit federal office holders, from, in any capacity, serving on or acting as a member of any political committee.

And sends same herewith to the House.

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing Senate message were read one time and referred to appropriate standing committees as follows:

Ways and Means, S. 159.

Education, S. 161.

Revision of Laws, S. 264, S. 265, S. 263.

Public Printing, S. 283.

Privileges and Elections, S. 259.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the conference report on the disagreement of the two Houses on the House amendment to:

S. 53. To change and regulate the appointment of the board of control of the ~~Canebrake Agricultural Experiment Station~~ to prescribe the authority and duties of the said board and to provide for the expenses of the said station.

J. A. Kyle,  
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

By Mr. Folmar:

S. J. R. .... Be it resolved by the Senate, the House concurring, That a committee to be composed of the chairman of the Judiciary committee of the Senate, the chairman of the Judiciary committee of the House, two members of the Senate who are practicing attorneys, two members of the House who are practicing attorneys and the three judges of the court of appeals is hereby created for the purpose of investigating the condition of the several judicial circuits of Alabama; to ascertain the number of weeks in each year that circuit courts are in session; to recommend such changes of counties from one circuit to another as may be found necessary; to recommend the creation of law and equity courts and to do and perform all things necessary in the re-districting of the judiciary of Alabama.

And sends same herewith to the House.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

The Senate resolution set out in the above and foregoing Senate message was read one time and referred to the standing committee on Rules.

## REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

The committee on Engrossed Bills have examined the following House bill:

H. 691. To further provide for the revenues of the State of Alabama.

And find same correctly engrossed.

A. K. Merrill,  
Chairman.

The report of the committee was concurred in.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

By Mr. Merrill:

S. J. R. ----. Resolved by the Senate, the House concurring, That when the House and Senate adjourn to-day they stand adjourned until Wednesday, March 22, 1911, at 12 o'clock M.

And sends same herewith to the House.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

On motion of Mr. Sullivan, the House concurred in and adopted the Senate joint resolution which is set out in the above and foregoing Senate message.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill:



H. 323. To provide and create a Commission form of Municipal Government and to establish same in all the Cities of Alabama which now have, or may hereafter have, a population of as much as twenty-five thousand and less than fifty thousand people according to the last federal census or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish Police Commissioners, Aldermen and certain other city officials; and otherwise provide for the creation and maintenance of said Commission form of Government.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

On motion of Mr. Smith the House concurred in and adopted the Senate amendment to the bill, H. 323, said amendment being as follows:

Amendment to H. 323, by Mr. Screws.

Amendment No. 1. Amend section 5 so as to read as follows:

Section 5. The president of the board of commissioners and commissioners of such city, to be known as the board of commissioners of said city, as provided, shall be municipal officers only, and shall have, possess and exercise only the municipal powers, legislative, executive and judicial, possessed and exercised by the mayor and board of aldermen, and board of police commissioners, and any and all other boards, commissions and officers of such city of any and of every sort whatsoever, except whatsoever power they may possess expressively or impliedly as State officers; and all such boards, commissions and officers except those provided for by this act shall then and thereby be abolished, and the terms of office of any and all

such offices or officials shall then and thereby cease. Said board of commissioners shall not have, possess or exercise any legislative, executive, judicial or administrative powers of the State or county, nor shall the offices held by them to be state offices.

Such city shall continue its existence as a body corporate under the name of "City of-----" (inserting the name of said city). It shall continue to be subject to all the duties and obligations then pertaining to, or incumbent upon it as a municipal corporation not inconsistent with the provisions of this act, and shall continue to enjoy all the rights, immunities, powers, privileges and franchises then enjoyed by it, as well as those that may hereafter be granted to it, not inconsistent with the provisions of this act. All laws governing such city and not inconsistent with the provisions of this act shall apply to and govern said city after it shall become organized under the commission form of government, provided by this act. All by-laws, ordinances, and resolutions lawfully passed and in force in any such city under its former organizations not inconsistent with the provisions of this act shall remain in force until altered or repealed, according to the provisions of this act. The territorial limits of such city shall remain the same as under its former organization, and all rights and property of every description which were vested in it, shall vest in it under the organization herein provided for as though there had been no change in the organization of said city; and no right or liability, either in favor of it or against it, and no suit or prosecution of any kind shall be affected by such change, unless otherwise expressly provided for by the terms of this act. All employees of said city and all officials except those whose terms of office are abolished by his act shall continue in office until otherwise provided by the said board of commissioners of said city.

Amendment No. 2. So that section 6 shall read as follows:

Section 6. Every city organized under the form of government provided for by this act shall be governed

and managed by the board of commissioners provided for herein. Each and every officer and employee of said city except health officer and such persons as may be employed by him to enforce quarantine, other than the said president and commissioners, shall be selected and employed by the said board, or under its direction and all salaries and wages paid by said city, ~~except as otherwise provided by the terms of this act~~ shall be fixed by said board. The commissioners shall prescribe and may at any time change the powers, duties and titles of all subordinate officers and employees of said city, except the title of city health officer, all of whom shall hold office and be removable at the pleasure of the board of commissioners. The powers and duties in such cities shall be distributed into and among three departments, as follows: 1. Department of public safety and public welfare. 2. Department of streets, parks, city, and public property and city and public improvements. 3. Department of accounts, finances and public affairs.

The powers and duties pertaining to each of said departments shall be fixed by the said board of commissioners, and altered from time to time as they may deem best, and one of the members of said board shall be so assigned to take charge of each such department and shall as head of such department exercise the duties and powers so provided by said board and said assignment may be changed any time by a majority of said board.

Amendment No. 3. Amend by striking out of section 11 of the bill the following words, where said words appear together in said section: "and no person shall be eligible for office as president of the board or as associate commissioner who shall have been chosen or nominated by the caucus or primary of any political party.

Amendment No. 4. Amend the said bill by adding at the end of section 19 the following words: "And the governor is authorized at any time to have all the books and accounts of such city examined by a State examiner of public accounts, the cost of such examina-

tion to be paid by such city upon the presentation to the president of the board of commissioners of such city of a duly verified statement of such expenses made by such examiner of public accounts approved by the governor.

Amendment No. 5. Amend by adding at the end of section 8 1-2. "That for the advancement of the interests of the city the commissioners may make expenditures for the advertisement of the advantages of the locality and may make contributions together with its commercial organization for that purpose.

Amend by adding at the conclusion of section 27 the following:

Section 27 1-2. Any city which shall have operated for more than four years under the provisions of this act may abandon such organization hereunder, and accept the provisions of the general law of the State then applicable to cities of its population, by proceeding as follows:

Upon the petition of not less than one thousand electors of such city a special election shall be called, at which the following proposition only shall be submitted:

"Shall the city of ----- abandon its present organization and become a city under the general law governing cities of like population?"

If a majority of the votes cast at such special election be in favor of such proposition, the officers elected at the next succeeding biennial election shall be those then prescribed by the general law of the State for cities of like population, and upon the qualification of such officers such city shall become a city under such general law of the State. And the terms of office of the city under the commission shall expire.

The sufficiency of such petition shall be determined, the election ordered and conducted, and the results declared, as provided in this act for other special elections, in so far as the provisions thereof are applicable."

"If any section or provision of this act shall be held to be void or unconstitutional, it shall not affect nor destroy the validity or constitutionality of any other section or provision of such act which is not of itself void or unconstitutional.

Amend by adding at the end of section 8, the following:

~~"Where the municipality is the owner of and operates a public utility plant, no franchise shall be granted to any person or corporation to operate any competitive plant unless approved first by a vote of the majority of the qualified electors of such municipality at an election held in accordance with the provisions of this act.~~

Amend by adding at the conclusion of section 18 the following:

"Section 18 1-2. That all police officers and policemen, all officers in the fire department and fireman in any city organized under the provisions of this act who shall have honorably served in and been a member of the police or fire department of any such city or of the municipal organization for twenty years continuously which such city has immediately succeeded and who shall have attained the age of fifty years shall upon his application in writing to the commission of such city, be relieved and retired from active service in said police department or fire department, upon half pay, that is to say, such policemen or firemen, upon being so retired, shall receive and be paid for and during his natural life, an amount of money equal to one-half the salary or pay which such policeman or fireman was receiving at the time of making such application, the same to be paid monthly out of any funds that may be in the treasury of such city not otherwise appropriated, provided, that the amount paid to any one employee hereunder shall not exceed forty dollars per month.

That any officer or policeman or fireman in any such city who shall have become permanently disabled by reason of any injury received while in the service as a member of said police or fire department, shall,

upon his application in writing to the board of commissioners, be relieved and retired from active service in said police or fire department upon half pay, that is to say, such fireman or policeman, upon being retired, shall receive each month an amount of money equal to one-half the salary or pay which such fireman or policeman was receiving at the time of receiving such injury while in the discharge of his duty as an officer, the same to be paid monthly out of any funds in the city treasury. The board of commissioners shall determine and pass upon whether such disability complained of is permanent or not, and to this end shall receive in evidence any testimony offered by such applicant, and may hear and consider any other testimony or evidence which the said commission or other body shall cause to come before it; and shall render judgment in said cause, which shall be kept in the minutes of the proceedings of such commission.

Whenever it shall come to the knowledge of such commission that any fireman or policeman whom they had adjudged to be permanently disabled, has recovered from such disability so as to enable him to earn a livelihood, then the commission may reconsider its former action, and withdraw from such fireman or policeman for the future the aforesaid half pay.

Provided further, that the monthly payment to any fireman or policeman on account of permanent disability, as provided in this section, shall not exceed as to any one such fireman or policeman the sum of forty dollars per month.

That in case any policeman or fireman of any such city having a wife or minor child or children, shall lose his life from injuries sustained in the course of the active discharge of his duties, the said wife shall, during her widowhood, receive and be paid an amount of money equal to one-half the salary or pay which her said husband was receiving at the time of his death, the same to be paid out of any funds that may be in the treasury of such city not otherwise appropriated.

Should the said widow of such fireman or policeman die without marrying again, the minor child or

children of such officer shall until such child or children shall have arrived at the age of fourteen years, receive and be paid together an amount of money equal to one-half of the salary or pay which their said father was receiving at the time of his death, the same to be paid monthly out of any funds that may be in the treasury of such city, not otherwise appropriated. ~~Provided, that the payment to the widow or~~ minor children of any such deceased fireman or policeman shall not in any one case exceed the sum of forty dollars per month.

The board of commissioners is authorized to make all necessary or proper rules and regulations for effectuating the intention of this section.

Amend section 9 of said bill by striking out the word "three" where it occurs in said section immediately after the words "at least" and before the words "hundred" and inserting in lieu thereof the word "one."

Amend section 12 by striking out the word "five" where it appears in the tenth line of said section and inserting in lieu thereof the word "twenty."

Amend section 12 by inserting after the word "situated" in the fourteenth line of said bill, "the premiums on said bonds shall be paid out of the city treasury."

Amend section 10 by striking out the word "only" in line one thereof and by inserting in line two after the word "filled" and before the word "and" the following: "And no ballot shall be counted which fails to comply with this requirement."

Proposed amendments to the bill providing a commission form of government for Montgomery.

Amend section 5 by inserting after the word "whatsoever," in the fifth line, the following words: "except the power conferred on the county board of health, insofar as they apply to said city, by State law, or by existing ordinances enacted by said city."

Amend same section by adding at the close thereof the following words: "provided that this withdrawal or transfer of powers shall not apply to the powers

conferred on the county board of health insofar as they apply to said city, by State law, or by existing city ordinances; nor shall they apply to the appointment of a health officer for a city, nor to persons employed by such health officer to enforce quarantine under ordinances in force in the city."

Amend section 6 as follows: After the word "commissioner," in the third line, insert the words, "city health officer."

Amend section 7 as follows: Insert after the words "meeting of said board," in the 18th line, the following words: "provided that a meeting of the board of commissioners of the city of ----- may be called at any time to consider and act upon an emergency that involves public safety or public health."

Amend section 8 by striking out "twenty-five years" where it occurs, and inserting "thirty years."

Amend section 8 by striking out "or net" wherever it occurs in said section.

Amend by adding at the conclusion of section 13, as follows:

Section 13 1-2. No ordinance passed by the commission, except when otherwise required by the general laws of the State, or by the provisions of this act, except an ordinance for the immediate preservation of the public health or safety, which contains a statement of its urgency, and is passed by a unanimous vote of the commission shall go into effect before ten days from the time of its final passage; and if during said ten days a petition signed by electors of the city equal to at least twenty-five per centum of the entire vote cast at the last general municipal initial election for commissioners, protesting against the passage of such ordinance be presented to the commission, the same shall thereupon be suspended from going into operation, and it shall be the duty of the commission to reconsider such ordinance; and if the same is not entirely repealed, the commission shall submit the ordinance to the vote of the electors of the city, either at the general election or at a special municipal election to be called for that purpose; and such ordinance shall



not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition and election shall be in all respects in accordance with the provisions of section 13, except as to the percentage of signers, and be examined and certified to by the clerk in all respects as therein provided. Said board of commissioners shall have the exclusive right to regulate or permit within the police jurisdiction of any such city the playing of any game or amusement on Sunday, and any law in conflict with this provision, insofar as same relates to any city of class, is hereby repealed.

Amend House bill 323 by adding thereto section 5 1-2 as follows:

In cities having a population of twenty-five thousand and less than fifty thousand, the management and control of the public schools therein shall be vested in a board of education, which shall be composed of five members, who shall serve without compensation, and shall be qualified electors and residents of the respective cities, and shall not be members of the board of commissioners. At the first regular meeting of the board of commissioners after organization, or as soon thereafter as may be practicable, at any regular meeting, the board of commissioners shall elect the members of the board of education, whose terms of office respectively shall be one, two, three, four and five years. Annually thereafter at the first regular meeting in April, or as soon thereafter as may be practicable, at a regular meeting, the board of commissioners shall elect a member, whose term of office shall be five years, to succeed the member of the board of education whose term expires that year. In the event of a vacancy in the membership of the board of education, or by resignation or otherwise, the fact shall be reported to the board of commissioners by the board, and the board of commissioners shall elect a person to fill such vacancy for the unexpired term.

At its first regular meeting in May, after the election of said board of education, or as soon thereafter

as practicable, and annually thereafter, the board of education shall elect from its membership a president and a vice president. It shall also elect a clerk, who need not be a member of the board of education and may fix his compensation. The vice-president shall perform the duties of the president only when the president may be absent from the city or unable to perform his duties. The board may fill any vacancy occurring from any cause in any of the offices mentioned in this section.

All property, real and personal and mixed, now held or hereafter acquired for school purposes, shall be held in trust for the use of the public schools of the city or town, and no sale or purchase of real estate shall be made by any other than the board of education of such city or town. The board of education shall have full and exclusive power, within the limits of the revenue appropriated for such purpose or accruing to the use of the public schools, to purchase fixtures, furniture, apparatus, libraries, fuel and supplies for the use of the schools, and to sell the same, and to make expenditures for the maintenance and repair of the school grounds, buildings, and other property, to purchase sites and establish and build new schools, when such sites have been provided by the board of education, and to superintend the erection thereof, to make additions, alterations and repairs to the buildings and other property devoted to school uses, and to make necessary and proper regulations, contracts and agreements in relation to such matters. All such contracts shall inure to the benefit of the public schools, and any suit at law or in equity, brought upon them, and for the recovery and protection of money and property belonging to and used by the public schools, or for damages, shall be brought by and in the name of the city.

Each year of the board of education shall make an estimate in detail of the amount of money required for the proper support and maintenance of the public schools during the next ensuing scholastic year, which shall be submitted to the board of commissioners, and

the board of commissioners shall make annual appropriations for the support and maintenance of the schools that it may deem necessary and proper in view of all other needs of the government of the city and of the expected revenues from taxes and otherwise. Money so appropriated, and all money received from the school fund of the State, poll taxes, the sale of school property, and the sale of bonds for school purposes, and from any other source whatever for school purposes, shall be held by the treasurer of the city as a special fund or funds for school purposes, and it shall be paid out by him on warrants drawn by the clerk of the board and countersigned by the president, or vice-president, when acting as president of the board of education, and by the clerk of the city, and not otherwise, and no warrant shall be drawn unless in pursuance of a resolution of the board of education entered upon its minutes.

The board of education shall have full control of the public schools of the city or town. It shall have power to establish schools, to discontinue any school, to consolidate schools, to prescribe courses of study and books to be used, not in conflict with the general law in reference to text books, to divide the city into school divisions as circumstances may require, to employ teachers and a superintendent of schools and necessary employees to fix their salaries and wages, to establish and maintain high schools and prescribe rules for the expulsion of pupils, to expel any pupil guilty of gross disobedience or wilful misconduct, to dismiss any superintendent, teacher, or employees, when in its opinion the interest of the school requires it, and generally to have and exercise all rights, powers and authority required for the management of a system of public schools. To designate amount to be paid by non-residents of the district whether owners of property or not who desire their children to be enrolled. It shall be the duty of the board of education to examine, or cause to be examined, all persons, at times and places fixed by it, offering as candidates for

teacher's places, and when found qualified to give them certificates of qualification gratuitously, to grant diplomas without charges to graduates of the high schools, to visit all schools as often as once a month, to establish and uniformly enforce proper rules and regulations, to inquire into the performance of their duties by the teachers and superintendent, and into the progress of the pupils, and to prepare and submit to the board of commissioners an annual report showing the operation of the school for the past scholastic year and suggesting their needs for the future.

And it shall be the duty of the board of education to elect a superintendent of schools, fix his term of office and salary, and prescribe his powers and duties. The superintendent shall be required to give bond for the faithful performance of his duties, which shall be payable to said city, in a sum to be fixed by the board, not less than three thousand dollars, with surety or sureties to be approved by the president of the board, the bond to be filed with the clerk of the city or town. The superintendent may be elected clerk of the board of education, and if so elected his bond shall stand as security for the faithful performance of his duties as clerk, as well as superintendent, however conditioned. It shall be the duty of the clerk of the board of education to keep full and correct detail accounts of all money received and expended. The superintendent shall attend to the taking of the school census, which shall be taken in the month of April of each even year, and it shall be his duty to make complete and accurate reports of the same to the superintendent of education of the State.

Each incorporated city or town, as a special school district, or embraced therein, shall receive its proportionate share of the public school revenue to be paid over by the State superintendent of education direct to the city superintendent of schools and by him paid over to the city treasurer.

Yeas, 58; nays, 0.

Yeas:

Messrs:—

Speaker	Huddleston	McDonald
Acker	James	Nicholson
Arnold	Jenkins (Baldwin)	O'Neill
Barnard	Johnson (Clarke)	Overton
Brindley	Johnson (Marshall)	Parks
Boswell	Jones	Percy
Brown (Pike)	Judge	Popwell
Burton	Knight	Quinn
Butt	Lavender	Rice
Carroll	Lawson	Richeson
Doswell	Lee	Roberson
Eastis	Letson	Rylance
Edmonds	Lloyd	Smith
Fletcher	Lumpkin	Stollenwerck
Fuquay	Martin (Jackson)	Sturdivant
Greene	Mathews	Twombly
Helms	Merrill	Waddell
Hollis (Walker)	Merritt	Whatley
Hood	McCurdy	Wheeless
		Williams

—58

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 602. To permit the playing of base ball on Sunday in the city of Mobile.

H. 420. To establish an inferior court in precincts 10, 34 and 46 in Jefferson county, Alabama, in lieu of all justices of the peace and notaries public with power of justice of the peace in said precincts and to define the jurisdiction and powers of said court and the judge thereof.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills:

S. 320. To amend section 5644 of the code of Alabama.

S. 319. To make a note or other written security given in this State in the purchase of a patent right, or any interest therein, subject in the hand of any holder or assignee to all the legal and equitable defenses to which it was subject in the hand of the original payee, when the fact that it was given in such purchase appears on its face, and to make it unlawful for any person, either in his own behalf or in a representative capacity, to take or receive for the sale of a patent right, or any interest therein, a note or other written security given for such right or any interest therein unless it shall clearly appear upon the face of the note or other security that the same is given in the purchase of a patent right or an interest therein, and to provide penalties for the violations of the provisions hereof.

And sends same herewith to the House.

J. A. Kyle,  
Secretary.

Also:

S. 343. To authorize, empower and require the Commissioners' Court, Board of Revenue, or other Court of like jurisdiction, of Chilton County, Alabama, to donate or appropriate a sum of money not less than Two Hundred Dollars (\$200.00) and not more than Five Hundred Dollars (\$500.00) annually from the County Treasury, which said money so appropriated shall be used in awarding prizes or premiums to be offered to encourage a better system of agriculture and stock raising in said County; to create a Board of Award which shall make rules and regulations governing the awarding of prizes or premiums, and provide for the payment of said money.

And send the same to the House with notice and proof attached and herewith exhibited as follows:

## NOTICE.

Notice is hereby given that a bill will be introduced in the Legislature of Alabama, authorizing, empowering and requiring the commissioner's court, board of revenue, or other court of like jurisdiction of Chilton county, Alabama, to donate or appropriate a sum of money, not less than two hundred (\$200.00) dollars, and not more than five hundred (\$500.00) dollars, annually from the county treasury, which said sum of money shall be used in awarding prizes or premiums to be offered to encourage a better system of agriculture and stock raising in said county; and create a board of award which shall make rules and regulations governing the award of said prizes or premiums, and provide for the payment of said money; and also provide for printing the results of said tests and awards in bulletin form for the benefit of the public schools, farmers and stock raisers of Chilton county.

W. H. Conway.

The State of Alabama, }  
The County of Chilton. }

I, W. C. Edler, editor of The Union, a newspaper, published and having a general circulation in said county, hereby certify that the above and foregoing is a copy of a notice of the intention to apply to the present session of the Legislature of Alabama, for the enactment of a local law; that said notice appeared in said paper once a week for four consecutive weeks, and that the same was done without costs to the State of Alabama.

Said notice appeared in said newspaper on the 2nd day of Feb.; on the 9th day of Feb.; on the 16th day of Feb.; on the 23rd day of Feb., 1911.

W. C. Edler.

Sworn to and subscribed before me this the 1st day of March, 1911.

Alee Stewart,  
Notary Public.

Also:

H. 250. To amend section 6215 of the code of Alabama of 1907.

And send the same to the House with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that a bill will be introduced in the Legislature of Alabama, at the present session, which convened in the city of Montgomery on the 10th day of January, 1911, in substance as follows: A bill to be entitled "An act to authorize the court of county commissioners or body of similar jurisdiction for the county of Crenshaw, to pay to the clerk of the circuit court of said county, a per diem of two dollars, during term time, for the purpose of employing a clerk to record the minutes of said circuit court. And for the repeal of all laws or parts of laws in conflict therewith."

AFFIDAVIT OF PUBLICATION.

I. Charles L. Kettler, publisher of the Crenshaw County News, a newspaper published weekly at Luverne, Crenshaw county, Alabama, do solemnly swear that a copy of the above notice, as per clipping attached, was published once a week in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated January 19th, 1911, and ending with the issue dated February 9th, 1911.

Chas. L. Kettler.

Subscribed and sworn to before me, this 9th day of February, 1911.

W. B. Ruff,  
Notary Public.

And send the same herewith to the House.

J. A. Kyle,  
Secretary.



SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing Senate message were read one time and referred to appropriate standing committees as follows:

Commerce and Common Carriers, S. 320.

Corporations, S. 319.

Local Legislation, S. 343, S. 250.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 414. To create a board to be known as the State Board of Revenue, to prescribe its powers, duties and authority, to fix the compensation of its members, to name its members for the first term of the existence of such board, to provide for the appointment of persons to fill vacancies on such board, and for the appointment of members to said board to succeed those herein named, and to make appropriation for the expenses of such board.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bill the title to which is set out in the above and foregoing Senate message was read one time and referred to an appropriate standing committee as follows:

Revision of Laws, S. 414.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills:

S. 374. To amend section 1780 of the code of 1907.

S. 225. To define the governing body, and the method of the exercise of legislative functions by the same, in cities of less than six thousand population, and in towns.

S. 365. To amend sections 1861, 1862 and 1863 of the code of Alabama.

And sends same herewith to the House.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bills the titles to which are set out in the above and foregoing Senate message were read one time and referred to appropriate standing committees as follows:

Municipal Organization, S. 225.

Education, S. 374, S. 365.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bills:

H. 117. To amend section 6648 of the code of Alabama.

H. 394. To amend section 1524 of the code of 1907.

H. 115. To provide for and regulate the assessment, levy and collection of municipal taxes, of all cities in the State of Alabama having over one hundred thousand population according to the last State or Federal census, to define the duties of the State, county and municipal officers in regard thereto, to fix the tax year for such cities and to make the county tax collector of each county ex-officio the collector of property tax for each of such cities within the county.

H. 523. To create a highway commission for Houston county, Alabama, and to define the powers and duties of said commission, and to provide for the appointment of the members of said commission and to aid the commission in obtaining revenue to carry out its work.

H. 645. To create and establish the office of general guardian ad litem in all counties of over one hundred thousand (100,000) population according to the last Federal census or according to any subsequent Federal census; to prescribe his duties and qualifications; to provide for his appointment and fix his compensation and term of office; to provide for the appointment ad litem in cases where the general guardian ad litem is disqualified or where the interests of the infants interested in a case are antagonistic or conflicting; and to provide the penalty for the wrongfully appointing such guardian ad litem.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

On motion of Mr. Molton, the House concurred in and adopted the Senate amendment to the bill, H. 117, said amendment being as follows:

Amend H. 117 by adding after the figures "\$5.00" and immediately after the words "For all services performed, etc.," the following words, "Provided, however, that in no event shall the coroner be entitled in any one year to fees exceeding in the aggregate (\$1,200.00) twelve hundred dollars."

Yeas, 65; nays, 0.

Yeas:

Messrs:—

Speaker	Butt	Jenkins (Baldwin)
Acker	Capps	Johnson (Clarke)
Barnard	Carroll	Johnson (Marshall)
Bell (Autauga)	Doswell	Jones
Bell (Pickens)	Edmonds	Judge
Brindley	Fuquay	Knight
Boswell	Helms	Letson
Brown (Pike)	Hollis (Walker)	Lloyd
Brown (Tuscaloosa)	Horton	Lumpkin
Burton	Huddleston	Martin (Calhoun)

Merrill	Pittman	Sturdivant
Merritt	Popwell	Sullivan
Molton	Preston	Twombly
McCurdy	Pruett	Waddell
McDonald	Quin	Waits
McLendon	Rice	Walden
Nicholson	Richeson	Walker
O'Neill	Roberson	Whatley
Overton	Rylance	Wilhite
Parks	Sanders	Williams
Pegram	Smith	Wright
Percy	Stollenwerck	

—65

On motion of Mr. Arnold the House concurred in and adopted the Senate amendment to the bill, H. 394, said Senate amendment being as follows:

Amend bill by striking out after the word "agriculture," the words: "Provided that if such State officer is unable to procure bond in such guaranty companies on terms satisfactory to himself and the governor, the governor is authorized to receive and approve personal surety on the bonds of such official."

Yeas, 65; nays, 0.

Yeas:

Messrs:—

Speaker	Fuquay	Merrill
Acker	Helms	Merritt
Barnard	Hollis (Walker)	Molton
Bell (Autauga)	Horton	McCurdy
Bell (Pickens)	Huddleston	McDonald
Brindley	Jenkins (Baldwin)	McLendon
Boswell	Johnson (Clarke)	Nicholson
Brown (Pike)	Johnson (Marshall)	O'Neill
Brown (Tuscaloosa)	Jones	Overton
Burton	Judge	Parks
Butt	Knight	Pegram
Capps	Letson	Percy
Carroll	Lloyd	Pittman
Doswell	Lumpkin	Popwell
Edmonds	Martin (Calhoun)	Preston

Pruett	Smith	Walden
Quinn	Stollenwerck	Walker
Rice	Sturdivant	Whatley
Richeson	Sullivan	Wilhite
Roberson	Twombly	Williams
Rylance	Waddell	Wright
Sanders	Waites	

—65

On motion of Mr. Molton, the House concurred in and adopted the Senate amendment to the bill, H. 115, said Senate amendment being as follows:

Amend the caption of the bill and also section one (1) of the bill by adding the words "or according to any succeeding State or federal census," immediately after the word "census," where said word appears in the caption and in section one (1) of the bill.

Yeas, 65; nays, 0.

#### Yeas:

Messrs :—

Speaker	Johnson (Marshall)	Preston
Acker	Jones	Pruett
Barnard	Judge	Quinn
Bell (Autauga)	Knight	Rice
Bell (Pickens)	Letson	Richeson
Brindley	Lloyd	Roberson
Boswell	Lumpkin	Rylance
Brown (Pike)	Martin (Calhoun)	Sanders
Brown (Tuscaloosa)	Merrill	Smith
Burton	Merritt	Stollenwerck
Butt	Molton	Sturdivant
Capps	McCurdy	Sullivan
Carroll	McDonald	Twombly
Doswell	McLendon	Waddell
Edmonds	Nicholson	Waites
Fuquay	J'Neill	Walden
Helms	Overton	Walker
Hollis (Walker)	Parks	Whatley
Horton	Pegram	Wilhite
Huddleston	Percy	Williams
Jenkins (Baldwin)	Pittman	Wright
Johnson (Clarke)	Popwell	

—65

On motion of Mr. Whatley, the House concurred in and adopted the Senate amendment to the bill, H. 523, said Senate amendment being as follows:

Amend section 14 thereof by striking out the words "three dollars" wherever they appear in said section, and insert in lieu thereof the words "five dollars."

Yeas, 65; nays, 0.

Yeas:

Messrs:—

Speaker	Johnson (Marshall)	Preston
Acker	Jones	Pruett
Barnard	Judge	Quin
Bell (Autauga)	Knight	Rice
Bell (Pickens)	Letson	Richeson
Brindley	Lloyd	Roberson
Boswell	Lumpkin	Rylance
Brown (Pike)	Martin (Calhoun)	Sanders
Brown (Tuscaloosa)	Merrill	Smith
Burton	Merritt	Stollenwerck
Butt	Molten	Sturdivant
Capps	McCurdy	Sullivan
Carroll	McDonald	Twombly
Doswell	McLendon	Waddell
Edmonds	Nicholson	Waits
Fuquay	O'Neill	Walden
Helms	Overton	Walker
Hollis (Walker)	Parks	Whatley
Horton	Pegram	Wilhite
Huddleston	Percy	Williams
Jenkins (Baldwin)	Pittman	Wright
Johnson (Clarke)	Popwell	

—65

On motion of Mr. Judge the House concurred in and adopted the Senate amendment to the bill, H. 645, said Senate amendment being as follows:

To amend the caption so as to read as follows, viz.: "A bill to be entitled an act to create the office of general guardian ad litem in all counties of over one hundred thousand population, according to the last preceding federal census or according to any subsequent fed-

eral census; to prescribe his duties and qualifications; to provide for his appointment and to fix his compensation and term of office; to provide for the appointment of a guardian ad litem in cases where the general guardian ad litem is disqualified or where the interest of the infants interested in a case are antagonistic or conflicting; and to provide the penalty for wrongfully appointing such guardian ad litem.

Yeas, 65; nays, 0.

### Yeas:

Messrs:—

Speaker	Johnson (Marshall)	Preston
Acker	Jones	Pruett
Barnard	Judge	Quin
Bell (Autauga)	Knight	Rice
Bell (Pickens)	Letson	Richeson
Brindley	Lloyd	Roberson
Boswell	Lumpkin	Rylance
Brown (Pike)	Martin (Calhoun)	Sanders
Brown (Tuscaloosa)	Merrill	Smith
Burton	Merritt	Stollenwerck
Butt	Molton	Sturdivant
Capps	McCurdy	Sullivan
Carroll	McDonald	Twombly
Doswell	McLendon	Waddell
Edmonds	Nicholson	Waits
Fuquay	O'Neill	Walden
Helms	Overton	Walker
Hollis (Walker)	Parks	Whatley
Horton	Pegram	Wilhite
Huddleston	Percy	Williams
Jenkins (Baldwin)	Pittman	Wright
Johnson (Clarke)	Popwell	

## REPORT OF CONFERENCE COMMITTEE.

Mr. Speaker:

The committee on Conference, in regard to S. 53, recommend that the House recede from its amendment to said bill.

W. H. Knight,  
J. H. James, Jr.,  
Thos. J. Judge,  
On part of the House.  
A. M. Tunstall,  
W. J. Vaiden,  
M. H. Screws,  
On part of the Senate.

On motion of Mr. Judge, the report of the Conference committee was concurred in and adopted on the disagreement to the bill, S. 53.

Yeas, 65; nays, 0.

Yeas:

Messrs:—

Speaker	Huddleston	Overton
Acker	Jenkins (Baldwin)	Parks
Barnard	Johnson (Clarke)	Pegram
Bell (Autauga)	Johnson (Marshall)	Percy
Bell (Pickens)	Jones	Pittman
Brindley	<b>Judge</b>	Popwell
Boswell	Knight	Preston
Brown (Pike)	Letson	Pruett
Brown (Tuscaloosa)	Lloyd	Quinn
Burton	Lumpkin	Rice
Butt	Martin (Calhoun)	Richeson
Capps	Merrill	Roberson
Carroll	Merritt	Rylance
Doswell	Molton	Sanders
Edmonds	McCurdy	Smith
Fuquay	McDonald	Stollenwerck
Helms	McLendon	Sturdivant
Hollis (Walker)	Nicholson	Sullivan
Horton	O'Neill	Twombly



Waddell

Walker

Williams

Waits

Whately

Wright

Walden

Wilhite

—65

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 334. To provide for the appointment of an official court stenographer for the fifteenth judicial circuit of Alabama; to prescribe his duties; to fix his compensation, and to provide for the payment of the same.

With notice and proof attached and herewith exhibited as follows:

## NOTICE.

Notice is hereby given that application will be made to the present session of the Legislature of Alabama to enact a law providing for an official court reporter for the 15th judicial circuit of Alabama, to prescribe his duties, to fix his compensation, and the manner of the payment thereof.

State of Alabama, }  
County of Montgomery. }

Before me, David W. W. Fuller, a notary public in and for said State and county, personally appeared Ben de Lemos, who is known to me, and who, being duly sworn, deposes and says on oath, that he is the publisher of the Alabama Outlook, a newspaper printed and published and of general circulation in said county, and that as such publisher he is authorized to make this affidavit; that the foregoing annexed advertisement was published in said paper four consecutive times, on the following dates, to-wit; January 28th, 1911, February 4th, 1911, February 11th, 1911, February 18th, 1911.

Ben de Lemos, Publisher Alabama Outlook.

Subscribed and sworn to before me this 20th day of February, 1911.

David W. W. Fuller,  
Notary Public.

## NOTICE.

Notice is hereby given that application will be made to the present session of the Legislature of Alabama to enact a law providing for an official court reporter for the 15th judicial circuit of Alabama, to prescribe his duties, to fix his compensation, and the manner of the payment thereof.

State of Alabama, }  
County of Chilton. }

Before me, S. C. Matthews, a notary public in and for said State and county, personally appeared Felix M. Wood, who is known to me, and who, being duly sworn, deposes and says on oath, that he is the editor and publisher of the Clanton Press, a newspaper printed and published and of general circulation in said county, and that as such editor and publisher he is authorized to make this affidavit; that the foregoing annexed advertisement was published in said paper four consecutive times, on the following dates, to-wit: January 26th, February 2nd, February 9th and February 16th, 1911.

Felix M. Wood,  
Editor and Publisher.

Subscribed and sworn to before me, this 17th day of February, 1911.

S. C. Matthews, Notary Public.

## NOTICE.

Notice is hereby given that application will be made to the present session of the Legislature of Alabama to enact a law providing for an official court reporter for the 15th judicial circuit of Alabama, to prescribe his duties, to fix his compensation, and the manner of the payment thereof.

State of Alabama, }  
County of Autauga. }

Before me, E. G. Rice, a notary public in and for said State and county, personally appeared Chas. T.

Kent, who is known to me, and who, being duly sworn, deposes and says on oath, that he is the publisher of the Prattville Progress, a newspaper printed and published and of general circulation in said county, and that as such publisher he is authorized to make this affidavit; that the foregoing annexed advertisement was published in said paper four consecutive times, on the following dates, to-wit: January 26th, February 2nd and February 9th, and February 16th, 1911.

Chas. T. Kent.

Subscribed and sworn to before me, this 22nd day of February, 1911.

E. G. Rice, Notary Public.

#### NOTICE.

Notice is hereby given that application will be made to the present session of the Legislature of Alabama to enact a law providing for an official court reporter for the 15th judicial circuit of Alabama, to prescribe his duties, to fix his compensation, and the manner of the payment thereof.

State of Alabama, }  
County of Elmore. }

Before me, J. S. Mullens, a notary public in and for said State and county, personally appeared H. H. Golson, who is known to me, and who, being duly sworn, deposes and says on oath, that he is the publisher of the Weekly Herald, a newspaper printed and published and of general circulation in said county, and that as such publisher he is authorized to make this affidavit; that the foregoing annexed advertisement was published in said paper four consecutive times, on the following dates, to-wit: Jan. 26, Feb. 2, 9 and 16, 1911.

H. H. Golson.

Subscribed and sworn to before me, this 21st day of February, 1911.

J. S. Mullens, Notary Public.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message, was read one time and referred to an appropriate standing committee as follows:

Judiciary, S. 334.

#### BILLS ON THIRD READING.

H. 674. To establish a State school for teaching agriculture and domestic economy at Lineville, Alabama; to provide for the management and control thereof and to make appropriation to support said school.

Was read a third time at length and passed.

Yeas, 50; nays, 10.

#### Yeas:

Messrs:—

Speaker	Griffith	Pharr
Acker	Helms	Pegram
Arnold	Hollis (Walker)	Percy
Barnard	Horton	Preston
Bell (Autauga)	Jackson	Quinn
Bell (Pickens)	Jenkins (Baldwin)	Rice
Brindley	Johnson (Marshall)	Rylance
Boswell	Jones	Smith
Brown (Pike)	Knight	Strickland
Brown (Tuscaloosa)	Lavender	Stollenwerck
Burton	Lawler	Sturdivant
Butt	Lee	Sullivan
Capps	Lloyd	Waits
Chamberlain	Lumpkin	Walden
Cranford	Molton	Walker
Edmonds	Nicholson	Wheless
Greene	Overton	

**Nays:**

**Messrs:—**

Hood	Pittman	Twombly
Merrill	Popwell	Whatley
Milner	Ramsey	Williams
Parks		

—10

**S. 47. To repeal sections 3654, 3655, 3656, 3657, 3658, 3659, 3660, 3661 of the code of Alabama.**

**Was read a third time at length and passed.**

**Yeas, 54; nays, 0.**

**Yeas:**

**Messrs:—**

Speaker	Kilburn	Preston
Acker	Knight	Quin
Arnold	Lavender	Ramsey
Bell (Pickens)	Lee	Rice
Brown (Tuscaloosa)	Letson	Richeson
Burter	Martin (Calhoun)	Roberson
Butt	Martin (Jackson)	Rylance
Capps	Mathews	Smith
Carroll	Merrill	Stollenwerck
Eastis	Merritt	Sturdivant
Edmonds	McCurdy	Twombly
Fuquay	McDonald	Waddell
Helms	Nicholson	Waits
Hollis (Walker)	Parks	Walden
Hood	Pegram	Whatley
James	Percy	Wheless
Johnson (Clarke)	Pittman	Williams
Johnson (Marshall)	Popwell	
Judge		

—54

**S. 370. To increase the salary of the Solicitor of Montgomery county from \$3,000.00 to \$4,200.00 annually.**

**Was read a third time at length and passed.**

**Yeas, 53; nays, 3.**

## Yeas:

Messrs:—

Speaker	Hollis (Walker)	O'Neill
Acker	Hood	Overton
Arnold	Horton	Parks
Barnard	Jackson	Pegram
Bell (Pickens)	Jenkins (Baldwin)	Percy
Brindley	Johnson (Clarke)	Popwell
Boswell	Johnson (Marshall)	Preston
Brown (Pike)	Judge	Quinn
Brown (Tuscaloosa)	Kilburn	Ramsey
Butt	Lavender	Rice
Carroll	Letson	Richeson
Dennis	Lumpkin	Rylance
Doswell	Martin (Calhoun)	Smith
Edmonds	Martin (Jackson)	Stollenwerck
Fuquay	Mathews	Waddell
Greene	Molton	Waits
Griffith	McCurdy	Walden
Helms	Nicholson	

—53

## Nays:

Messrs:—

Burton	McDonald	Whatley
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—3

S. 212. (With substitute.) To provide for refunding privilege taxes erroneously collected, and to make the necessary appropriation therefor.

Was taken up.

The question was upon the adoption of the substitute, said substitute being as follows:

## A BILL TO BE ENTITLED AN ACT.

To provide for the refunding by the State and various counties of the State of certain privilege taxes erroneously collected, and to make the necessary appropriation therefor.

Amend section 1 so as to read as follows:

"Section 1. Be it enacted by the Legislature of Alabama, That there shall be refunded by the State of Alabama and by the various counties in the State of Alabama all moneys collected from any foreign corporation under the provisions of this act to provide for the revenues of the State by requiring all foreign corporations ~~authorized to do business in this State under the laws~~ of the State of Alabama to pay an annual franchise tax, approved March 7th, 1907, or under the provisions of sections 2391 and 2392 of the code of Alabama, which payments have been held to be illegal under the principles laid down by the supreme court of the United States in the case of Southern Railway Company vs. Green; and also all moneys which have been illegally collected under subdivision 26 of section 2361 of the code of 1907, which payments have been illegally exacted under the rule laid down by the supreme court of Alabama in the case of Chinnabee Cotton Mills vs. The State. The State shall refund all such moneys which have been received by it under said laws to the extent to which the same were unconstitutional; and each of the counties of the State shall refund the moneys received by them respectively, under said laws to the extent to which the same have been held unconstitutional.

Should any county in the State fail or refuse to refund any moneys required to be refunded by it under the provisions of this act, suit may be maintained against such county for the recovery of such moneys; and it shall become the duty of the State auditor to draw warrants on the State treasurer in favor of such corporations for all amounts received from any such corporations by the State of Alabama.

Amend section 2 so as to read as follows:

"Section 2. Be it further enacted, That there is hereby appropriated out of any money in the State treasury not otherwise appropriated an amount sufficient to cover the amount of said privilege taxes which have been received by the State of Alabama or the treasurer or other officer of said State under said unconstitutional laws."

And the substitute was adopted.

Yeas, 57; nays, 0.

Yeas:

Messrs:—

Speaker	Jackson	Page
Acker	Johnson (Clarke)	Parks
Bell (Pickens)	Johnson (Marshall)	Percy
Brindley	Jones	Popwell
Doswell	Knight	Preston
Brown (Pike)	Lavender	Quinn
Brown (Tuscaloosa)	Lawson	Ramsey
Burton	Lee	Rice
Butt	Letson	Richeson
Carroll	Martin (Calhoun)	Roberson
Cranford	Martin (Jackson)	Rylance
Doswell	Mathews	Smith
Eastis	Merrill	Stollenwerck
Fuquay	Merritt	Sturdivant
Gewin	McCurdy	Twombly
Griffith	McDonald	Waddell
Helms	Nicholson	Waites
Hollis (Walker)	O'Neill	Whatley
Hood	Overton	Wright

—57

And the bill:

S. 212. To provide for refunding privilege taxes erroneously collected, and to make the necessary appropriation therefor.

As amended by the substitute was read a third time at length and passed.

Yeas, 54; nays, 0.

Yeas:

Messrs:—

Speaker	Brown (Tuscaloosa)	Fuquay
Acker	Burton	Gewin
Arnold	Butt	Helms
Bell (Pickens)	Cranford	Hollis (Walker)
Brindley	Eastis	Hood
Brown (Pike)	Edmonds	Jackson



Johnson (Clarke)	Merrill	Richeson
Johnson (Marshall)	Merritt	Roberson
Jones	McCurdy	Smith
Kilburn	McDonald	Stollenwerck
Lavender	Nicholson	Sturdivant
Lawson	Overton	Twombly
Lee	Percy	Waddell
Lelton	Popwell	Waites
Lloyd	Preston	Walden
Martin (Calhoun)	Quinn	Whatley
Martin (Jackson)	Ramsey	Wheless
Mathews	Rice	Williams

—54

## ADJOURNMENT.

On motion of Mr. Percy, the House adjourned until Wednesday, March 22, 1911, at 12 o'clock.

## FORTY-SECOND DAY.

House of Representatives.  
Wednesday, March 22nd, 1911.

The House met pursuant to adjournment.

## PRAYER.

The session was opened with prayer by Rev. Mr. Preston of the House.

## ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs:—		
Speaker	Bell (Autauga)	Boswell
Acker	Bell (Pickens)	Brown (Tuscaloosa)
Arnold	Brewer	Burton
Barnard	Brindley	Bush

Butt	Lee	Pitts
Carroll	Letson	Popwell
Chamberlain	Lloyd	Preston
Cranford	Lumpkin	Pruett
Eastis	Martin (Calhoun)	Quinn
Edmonds	Martin (Jackson)	Ramsey
Fletcher	Mastin	Rice
Fuquay	Mathews	Richeson
Greene	Merrill	Rylance
Griffith	Merritt	Smith
Helms	Milner	Strickland
Hood	Mulkey	Stollenwerck
Horton	McGowen	Sullivan
Jackson	McLendon	Thomas
James	Nicholson	Twombly
Jenkins (Baldwin)	O'Neill	Waddell
Jenkins (Bullock)	Overton	Waits
Johnson (Clarke)	Page	Walden
Jones	Parks	Whatley
Judge	Pharr	Wheless
Lavender	Pegram	Wilhite
Lawler	Percy	Williams
Lawson	Pittman	Wright

—80

A quorum was present.

#### JOURNAL.

The chairman of the standing committee on the revision of the Journal, made the following report:  
Mr. Speaker:

Your committee on the revision of the Journal, beg leave to report as follows:

We have examined the Journal for the 41st day, and find the same to be correct.

J. B. Rylance,  
Chairman.

The report of the committee was concurred in, and the Journal for the 41st day was approved.

## LEAVE OF ABSENCE.

Was granted to Messrs. Avery and Walker for to-day and to Messrs. Dennis and Fowlkes indefinitely on account of sickness.

## BILLS ON SECOND READING.

Mr. Thomas, chairman of the standing committee on Appropriations, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

S. 75. To aid and encourage technical education in the State of Alabama, by providing increased facilities, buildings, and maintenance for the Alabama polytechnic institute.

H. 742. To appropriate sixty-five thousand dollars (\$65,000) to the Alabama schools for the deaf and blind.

S. 64. To provide for the better equipment and support of the University of Alabama, and to appropriate funds therefor.

Mr. Mulkey, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

S. 262. To amend section 6169 of the code of Alabama.

Mr. Milner, chairman of the standing committee on Local Legislation, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

H. 753. To authorize and require the county treasurer of Marengo county to transfer the sum of five hundred dollars from the proceeds of hire of convicts of said county in the fine and forfeiture fund to the general fund of said county and to apply said sum to the payment of a warrant drawn by the commissioners court of said county for \$500.00 in favor of E. E. Taylor, on the general fund of said county.

Mr. Arnold, acting chairman of the standing committee on Education, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

S. 218. To amend section 1761 of the 1907 code of Alabama.

The above and foregoing bills were severally read a second time, and placed on the calendar.

#### INTRODUCTION OF BILLS.

On a call of the counties, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Waddell:

H. 763. To amend section 9 of an act entitled "an act to provide for the protection of the forests of Alabama, to establish and create a State commission of forestry to consist of the governor, a member of the State tax commission, the State game and fish commissioner, the commissioner of agriculture and industries, a member of the United States forest service, the professor of forestry in the Alabama Polytechnic institute and one practical lumberman, to declare the county game and fish wardens, forest wardens; to declare constables, justices of the peace, sheriffs and deputy sheriffs, ex-officio forest wardens, and to provide for the appointment of deputy forest wardens by the governor; to exempt from taxation for a period of ten years, land which shall be planted in trees; to appropriate the sum of five hundred dollars annually for the purpose of carrying out the provisions of this act to create a forest reserve fund, and to provide for the payment of all fines, forfeitures and penalties arising under the provisions of this act into said fund."

Game, Fish and Forestry Preservation.

By Mr. Green:

H. 764. To suppress rabies among dogs, to prevent hydrophobia among people, and to provide penalties for violation of the provisions of this act.

Public Health.

By Mr. Preston :

H. 765. To prohibit the manufacture, sale, offering for sale, keeping or having in possession for sale, barter, exchange, giving away, furnishing at public place or elsewhere, or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters, or intoxicating beverages, hop ale, hop jack, malt tonic or any other beverage which is the product of maltose or glucose or any other drinks or beverages containing one-half one per cent of alcohol in Clay county, Alabama.

Temperance.

By Mr. Bush (notice and proof) :

H. 766. To establish an inferior civil court in lieu of justices of the peace for all precincts lying within or partly within the city of Mobile.

Privileges and Elections.

Notice and proof, H. 766.

#### NOTICE AS TO LOCAL BILL.

Pursuant to constitutional requirements, notice is hereby given that a bill will be introduced at the current session of the Legislature of Alabama, to be entitled "an act to establish an inferior civil court in lieu of justices of the peace for all precincts lying within or partly within the city of Mobile."

Section 1. Provides that an inferior court of civil jurisdiction is hereby established, which shall be called the inferior civil court of Mobile, and shall be in lieu of all justices of the peace for all precincts lying within or partly within the city of Mobile.

Sec. 2. Provides that it shall have the general power and jurisdiction as conferred by law upon justices of the peace, that the judge of the inferior criminal court of Mobile shall be the ex-officio judge of said inferior civil court and that the clerk of said inferior criminal court of Mobile county shall be the ex-officio clerk of said inferior civil court, and that the sheriff of Mobile county shall be the executive officer of said court.

Sec. 3. Provides that the said inferior civil court shall have and exercise in the city of Mobile such jurisdiction in civil cases at law, and all such powers of a civil nature, as are now had and exercised by justices of the peace in the State of Alabama. The general laws of the State regulating the practice, proceeding and process of the court of justices of the peace shall be applicable to said inferior civil court.

Sec. 4. Provides for a regular term for said court to be held at least once a week in the court room of the inferior criminal court of Mobile county.

Sec. 5. Provides for the exercise of all the jurisdiction and authority of a civil nature as is by law conferred on justices of the peace and such jurisdiction shall be exercised by the judge of said court and also defines the powers of said judge to punish for contempt and the issuing of process.

Sec. 6. Provides for the judge of said court to supervise the clerk of said court in all the duties required of him.

Sec. 7. Provides for the salary of the judge of said court and fixes the amount at \$900 per annum, to be paid out of the county treasury of Mobile county.

Sec. 8. Provides that the judge or clerk shall address all process to the sheriff of Mobile county, fixes the number of bailiffs in said court and the compensation of same to be paid by the county of Mobile and provides for the fees to be charged by the sheriff as fixed by section 3722 of the code of Alabama of 1907.

Sec. 9. Defines the duties and authorities of the clerk in the issuing of all necessary process and the taxing and collecting of costs and fees and judgments rendered in said court. Provides that the said clerk pay over to the sheriff on the first Monday of each month all fees collected for him and all money collected on judgments to be paid over by said clerk on demand to the plaintiff or his attorney. It further provides for all costs to be collected by the clerk, one-half to go to said clerk and the other half to go to the county of Mobile, to be paid into the county treasury on the first Monday of each month.

Sec. 10. Provides that wherever the words "judge" and "clerks" of said inferior civil court appear in this act the same shall be taken and construed to mean "ex-officio judge" and "ex-officio clerk."

Sec. 11. Provides for said ex-officio clerk of said court to furnish a bond in the sum of \$3,000 before entering upon the discharge of his duties.

Sec. 12. Provides for witness fees to be charged in said court, to be the same as provided in like cases before justices of the peace.

Sec. 13. Provides for appeal from any judgment rendered in said court to the circuit court of Mobile county, law and equity court of Mobile county, and city court of Mobile county under the same regulations and requirements as now govern appeals from justice of the peace.

Sec. 14. Provides for the forms to be used, said forms to be the same as now used in the courts of justices of the peace, it further provides that all dockets and forms to be used in said court are to be furnished and paid for by the county of Mobile.

Sec. 15. Provides that thirty days after the approval of said act the terms of all the justices of the peace, in the precincts lying within or partly within the city of Mobile shall expire and said office of justice of the peace shall be abolished and the dockets and official papers and records of said justices of the peace be delivered to the clerk of the said inferior civil court, and thereby transfer all causes pending in said justice courts to said inferior civil court; it further provides for the collection of costs due justices of the peace and constables by said clerk and the payment of the same to the parties entitled thereto.

Sec. 16. Provides that thirty days after the approval of this act the terms of office of all the justices of the peace in said above described territory shall expire and thereafter no justice of the peace shall be elected or appointed for precincts lying within or partly within the city of Mobile and provides that said inferior civil court shall be in lieu of all justices of the peace in the city of Mobile.

Sec. 17. Provides that in suits before said inferior civil court it shall be no objection to the jurisdiction of said inferior civil court that any defendant is not a resident of the city of Mobile or that the cause of action did not arise in the city of Mobile or that the debt was not created in the city of Mobile; provided that the residence of such defendant is in the county of Mobile.

Sec. 18. Declares the rest of the act valid, though some portion thereof may be declared void.

Sec. 19. Repeals all laws in conflict herewith.

State of Alabama, }  
Mobile County. }

This day personally appeared before me Marie S. Malay, a notary public, in and for said State and county, Reginald G. Rapier, who by me being duly sworn, on oath, deposes and says that he is the secretary and treasurer of the Mobile Register, a corporation, a newspaper published in the city of Mobile, Mobile county, Alabama, and that the attached notice, being an act to establish an inferior civil court in the city of Mobile in lieu of justices of the peace, was published in said newspaper once a week for four consecutive weeks ending March 20th, 1911.

Reginald G. Rapier,  
Secretary and Treasurer.

Sworn to before me this the 20th day of March, 1911.

Marie S. Malay,  
Notary Public Mobile County, Ala.

By Mr. Pitts:

H. 767. To provide for the disposition of prohibited liquors and beverages heretofore or hereafter seized under any legal process.

Temperance.

By Mr. Carroll (notice and proof):

H. 768. To amend section 3 of the act to establish a high school for Dale county to be located at Ozark, Alabama, approved August 9th, 1907.

Local Legislation.



Notice and proof, H. 768.

NOTICE OF LOCAL BILL.

Notice is hereby given that a bill will be introduced at the present session of the Legislature of Alabama to amend section 3 of an act, to establish a high school for Dale county, to be located at Ozark, Alabama," approved August 9, 1907 so as to make the same read in substance as follows:

"Section 3. The governor, the State superintendent of education, the county superintendent of education of Dale county, and the mayor of the city of Ozark, shall be ex-officio members of the board of trustees of the school, and shall, together with three members to be appointed by the governor, who shall be qualified electors and citizens of Dale county, and whose term of office shall expire with that of the governor making such appointment, constitute the board of trustees of the school, and provided the term of office of the three members so appointed, of the present board of trustees shall expire upon the approval of this act. The board of trustees shall elect a treasurer, who shall have charge of the funds of the school and disburse the same upon the order of the board of trustees.

H. M. Sessions,  
J. W. Corbitt.

State of Alabama,       )  
County of Montgomery.   )

Personally appeared before me, John Q. Adams, manager and publisher of the Southern Star, a newspaper, published at Ozark, Dale county, Alabama, do solemnly swear that the attached notice was published in said newspaper for four consecutive weeks, beginning on the first day of March, 1911, and ending on the 22nd day of March, 1911.

John Q. Adams,  
Publisher and Manager.

Sworn to and subscribed before me this 22nd day of March, 1911.

Mary F. Williams,  
Notary Public.

By Mr. Eastis (notice and proof) :

H. 769. To authorize and regulate the manufacture, sale and other disposition of spirituous, vinous and malt liquors in the city of Bessemer, Alabama; to provide for the creation of an excise commission for said city; to prescribe the powers and duties of such excise commission; to prescribe the amount of license taxes to be paid by each licensee and the distribution thereof to the city, county and State respectively; to require a bond of each licensee and prescribe its office, purpose and liabilities; to otherwise prohibit the manufacture, sale, barter, exchange or giving away to induce trade of said liquors except as herein provided; to declare to be nuisances, places at which such liquors are sold unlawfully, and to provide for the abatement of such nuisances; and to make unlawful, and to prescribe penalties and punishments for all violations of this act.

Temperance.

Notice and proof, H. 769.

#### NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama at its next session which convenes in Montgomery during the month of January, 1911, to enact a law to regulate the liquor traffic making it legal to manufacture, sell, or otherwise dispose of spirituous, vinous or malt liquors, any one or more or all, in the city of Bessemer, Jefferson county, Alabama, and to prescribe regulations for the conduct of any business where spirituous, vinous or malt liquors are dealt in, either by wholesale or retail; to fix the days and hours within which such business may or may not be engaged in; to prescribe the limits by bounding the same

by streets and avenues or other definite way in which it may be lawful to engage in the manufacture, sale or other disposition of spirituous, vinous or malt liquors in said city; to provide that no person, firm or corporation shall engage in the business of manufacturing selling or otherwise disposing of said liquors without first obtaining a license to do so from the proper authority as **provided in said law; to fix the character of each kind** of license and to fix the amount of the charge for such license and to prescribe the steps necessary to be taken to procure such license and to direct what disposition shall be made of the moneys so received and for what purposes the same may be used; to provide for the forfeiture, suspension or revocation of any license issued on the conviction of the licensee or his employees, by a court of competent jurisdiction, for any violation of the laws regulating the liquor traffic; to provide for the abatement as a nuisance of any place where spirituous, vinous or malt liquors are unlawfully manufactured, sold or otherwise disposed of, to make it a violation of law to sell or otherwise dispose of any such liquors or to engage in such business except in the manner therein provided and to fix penalties for the violation of any of the provisions of said act regulating the liquor traffic and to repeal all laws or parts of laws in conflict with said proposed act. The foregoing is the substance of the law it is intended to apply to the Legislature to enact.

State of Alabama, }  
 Jefferson County. }

Personally appeared before me, G. F. Goodwyn, a notary public, in and for said county, Wm. H. H. Judson, who being by me first duly sworn, deposes and says that he is the editor of the Bessemer Weekly, a newspaper of general circulation published in Bessemer, Jefferson county, Alabama, and that the foregoing notice was published in said newspaper for four consecutive weeks, the first publication being on the 7th day of January, 1911, and without cost to the State.

Wm. H. H. Judson.

Sworn to and subscribed before me this 16th day of March, 1911.

G. F. Goodwyn,  
Notary Public.

By Mr. Jackson:

H. 770. To fix a penalty for violation by tax collectors of section 2078 of the code of Alabama, 1907.

Revision of Laws.

By Mr. Smith:

H. 771. To amend section 1726 of the code of 1907 as amended during the special session of 1909 and approved by the governor August 21st, 1909.

Local Legislation.

By Mr. Milner:

H. 772. To amend section 5222 of the code of Alabama.

Revision of Laws.

By Mr. Parks (notice and proof):

H. 773. To repeal the act creating the city court of Andalusia for Covington county, Alabama, passed during the 1907 session of the Legislature of Alabama, entitled: "An act, to create, establish and maintain an inferior court of record in and for the county of Covington; to define and provide for the powers, jurisdiction and procedure thereof, and to provide for officers thereof and their compensation" and to abolish said court; to provide for the dispositions of the pending and adjudicated causes of all kinds in said court and the process, appeals, costs, bonds, securities, and records and files of the same; to regulate the bringing, filing, transferring and appealing of causes and prosecutions in said court; and to fix the time that this act shall become effective.

Judiciary.

Notice and proof, H. 773.

The State of Alabama, }  
County of Covington. }

I, A. Whaley, register in chancery, in and for said county and State, do hereby certify that on this day,

in said county, personally came before me, Edward Doty, who being by me first duly sworn, on oath says: That he is the editor and proprietor of The Andalusia Star, a newspaper, published regularly in Audalusia, Covington county, Alabama, each week, and that the following notice was published regularly each week in said newspaper for four consecutive weeks beginning on the 16th day of February, 1911, which said notice is in words and figures as follows:

**"To Whom It May Concern:**

A bill will be introduced and enacted into a law at the present 1911 session of the Legislature of Alabama, to repeal the act creating the city court of Andalusia, for Covington county, Alabama, passed during 1907 session of the Legislature of Alabama, entitled: "An act, to create, establish and maintain an inferior court of record in and for the county of Covington; to define and provide for the powers, jurisdiction and procedure thereof and to provide for officers thereof and their compensation," and to abolish said court, which act appears in the local acts of Alabama for 1907, on page 329, et seq; to provide, also, for the transfer, disposition, security and regulation of all pending causes in said court, as well as all adjudicated causes in the same and all orders, judgments, bonds, recognizances, confessions, funds, fees, costs, process, appeals taken from and appeals taken to and in said court to provide for the issuing of process of all kinds on all and singular orders, judgments, securities, bonds, confessions, liabilities, in all adjudicated and pending causes, in said court; to provide for and regulate the manner, time and officers to issue any and all process necessary in aid of and pertaining to any and all such adjudicated and pending causes in said court at the time and after this act herein referred to becomes effective; to fix and prescribe a time, after which no cause, either civil, criminal, or quasi criminal, either by direct institution in said court or the circuit court of Covington county, Alabama, or by appeal from any other court of said county, shall be brought into or transferred to or appealed to said the city court of

Andalusia, shall be instituted, transferred or appealed into said court; to provide for the appeal of any and all causes from said the city court of Andalusia in any and all causes adjudicated within twelve months preceding the time that the act herein referred to, to be enacted, shall be determined, and provide for the details, notices, securities, practice, and procedure of the same; to provide for any designate the officer or officers in said county who shall have powers, authority, jurisdiction and supervision of the carrying out of the details of the act to be enacted as referred to herein, as well as to name and designate the court in said county which shall have all the necessary power, jurisdiction and authority, to effectuate the same and to have the power, jurisdiction and authority to try and dispose of all pending causes and matters in said the city court of Andalusia, at the time that the act provided for herein, to be enacted, shall become operative, as well as all past and adjudicated causes, judgments and orders in said court which is to be abolished; to provide fully and completely in any and all details for the carrying out of the act herein referred to be enacted, into full force and effect, and to fix and define the date and time that such proposed act and law shall become effective."

Edward Doty.

Sworn to and subscribed before me this----day of March, 1911.

A. Whaley,  
Register in Chancery.

By Mr. Parks (notice and proof) :

H. 774. To create and establish the Andalusia city court of law and equity for Covington county.

Judiciary.

Notice and proof, H. 774.

#### NOTICE.

To whom it may concern: You will take notice that, at the next session of the Legislature of Alabama, a bill

to create and establish the Andalusia city court of law and equity for Covington county, prescribing the powers and jurisdiction of said court and providing for the practice and procedure therein, and to provide for the appointment of a judge and solicitor and for other officers thereof and prescribing their duties, powers and compensation will be introduced, and an effort made to have the same enacted into law.

State of Alabama, }  
Covington County. }

Before me, J. M. Robinson, judge of probate, in and for said State and county, this day personally appeared Edward Doty, who being duly and legally sworn, deposes and says: That he is the editor and proprietor of The Andalusia Star, a newspaper, published weekly at Andalusia, in Covington county, Alabama, and that the above and foregoing notice has been published once a week for four (4) consecutive weeks in said newspaper, beginning with the issue of December 8th, 1910.

Edward Doty.

Sworn to and subscribed before me this the 19th day of January, 1911.

J. M. Robinson,  
Judge of Probate.

By Mr. Brindley:

H. 775. To amend section 99 (969) of the code of Alabama.

Re-districting When Raised.

By Mr. McGowen (notice and proof):

H. 776. To repeal an act to prohibit, and punish unlawfully and knowingly permitting live stock to run at large in stock law districts or territory in which such stock are prohibited to run at large, approved August 19th, 1909, so far as it relates to Sumter county.

Revision of Laws.

Notice and proof, H. 776.

NOTICE.

Notice is hereby given that a bill will be introduced in the next Legislature, to repeal an act entitled, "an act to prohibit and punish unlawfully and knowingly permitting live stock to run at large in stock law districts or territory in which such stock are prohibited by law to run at large; to provide that all fines assessed shall be paid in money, and that one-half thereof shall be paid to the injured party; to confer jurisdiction to try, convict and punish persons unlawfully and knowingly permitting live stock to run at large in stock law districts or territory where such stock are prohibited by law to run at large upon justices of the peace and notaries public exercising the powers of justices of the peace; to dispense with grand juries; and to provide for prosecutions and convictions for the violations of the terms of this act under affidavit and warrant or information, and without indictment," approved August 19, 1909, so far as same relates to Sumter county.

A. P. Scarborough.

State of Alabama, }  
Sumter County. }

Before me, P. B. Jarman, judge of probate in and for said State and county, personally appeared C. H. Allen, who being by me duly sworn, deposes and says that he is the editor of the Sumter Sun, a newspaper published in Sumter county, Alabama, and that the attached notice was prior to this date and published once a week for four consecutive weeks, beginning on the 15th day of December, 1910, and ending on the 12th day of January, 1911, in said Sumter Sun, a newspaper which was then and is published in said State and county as aforesaid.

C. H. Allen.

Subscribed and sworn to before me, this the 21st day of March, 1911.

P. B. Jarman,  
Judge of Probate.



By Mr. Horton. (Notice and proof):

H. 777. To provide for the discontinuance of a dispensary authorized to be operated by the town of Athens, Limestone county, Alabama, under an act entitled "an act to authorize the town of Athens, Limestone county, Alabama, to establish, maintain and operate a dispensary whereby it may buy and sell spirituous, vinous and malt liquors, and to regulate and make efficient the same."

Temperance.

Notice and proof H. 777.

#### LEGAL NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama, to convene on the second Tuesday in January, 1911, for the passage of the following local bill:

#### AN ACT

To provide for the discontinuance of a dispensary authorized to be operated by the town of Athens, Limestone county, Alabama, under an act entitled "An act to authorize the town of Athens, Limestone county, Alabama, to establish, maintain and operate a dispensary, whereby it may buy and sell spirituous, vinous and malt liquors, and to regulate and make efficient the same."

Section 1. One-fifth of the qualified voters of Limestone county, Alabama, as shown by the last preceding registration, may file with the probate judge of said county, a petition asking that an election be held in said county, as to whether the dispensary established maintained and operated by the town of Athens, Limestone county, Alabama, shall be discontinued and made to cease to operate.

Sec. 2. Fifteen days after the filing of such petition the said probate judge shall order an election to be held in said county on some Tuesday that shall not be less

than forty nor more than sixty days subsequent to the day on which such order is made.

Sec. 3. The probate judge shall furnish the sheriff with a copy of said order, and the sheriff shall give notice of said election by publication for twenty days in some newspaper published in said county.

Sec. 4. The probate judge, clerk of the circuit court, and sheriff of the county of Limestone, Alabama, upon an election being ordered under this act, shall, within ten days after the order of such election, appoint three inspectors or managers, two clerks and one returning officer for each precinct, polling or voting place, in said county, to manage, conduct and make the returns of such election. Such managers and clerks so appointed shall as far as practicable be equally divided between those who favor and those apposed to the continuance of said dispensary.

Sec. 5. As soon as practicable, after the appointment of such managers, clerks, and returning officers for said election, the sheriff shall notify them in writing of their appointment.

Sec. 6. The probate judge shall prepare and provide the necessary ballots, poll lists, tally sheets, instruction for holding the election, ballot boxes, voting booths and other stationery or material necessary for the proper holding of said election, and the sheriff shall see that the same are delivered to one of the managers of each election precinct or voting place before the day of the election. On the ballots to be used at said election shall be written or printed the words, "For Dispensary," and under them the words "Against Dispensary." Electors who favor the continuance of said dispensary shall make on the ballot a cross mark before the words "For Dispensary," and electors who oppose a continuance of said dispensary shall make on the ballot a cross mark before the words "Against Dispensary."

Sec. 7. Immediately after the polls are closed, the managers shall duly ascertain the result of the election at their respective voting places, and make due return of the same to the probate judge of said county, and deliver the returns so made, together with the ballots, poll

lists, tally sheets, and other necessary papers, to the returning officers for such voting place who shall deliver the same to the probate judge of said county, at his office, on the first day after the election.

Sec. 8. The probate judge, clerk of the circuit court, and the sheriff, acting as a board of supervisors, shall in open session on the first Saturday after the election, canvass the returns so made, and under oath, make a written report or statement declaring the result of said election.

Sec. 9. The report shall be filed at once in the office of said probate judge. In a newspaper published in said county the probate judge shall make a proclamation stating the total vote of said county "For Dispensary," and the total vote of said county "Against Dispensary," and which side had a majority at such election, and the amount thereof. If a majority of the votes cast at such election were against dispensary the said dispensary so established shall discontinue and cease operating.

Sec. 10. All qualified electors of said county at time of such election are qualified to vote in such election.

Sec. 11. All elections held under this act shall be held and conducted, except as where it is otherwise provided in this act, under the general election laws of this State.

Sec. 12. A contest of the election under this act may be made by any qualified elector of the county by executing a bond with two sufficient sureties to be approved by the judge of probate of said county, for the payment of cost of said contest. Notice of the contest shall be served on the circuit court solicitor of said county. Upon the execution of the bond for costs signed by three or more qualified electors of said county, to be approved by the judge of probate of said county, said solicitor shall respond in the name of the county, and the county shall be contestee. All provisions and incidents of a contest under the general law of said State pertaining to a contest of election of judge of probate shall be observed as far as the same are applicable.

Sec. 13. The compensation of all the officers holding said election and all costs of said election shall be paid by the county.

Sec. 14. No petition under this act shall be filed with the probate judge nor an election ordered before the first day of January, 1910.

Sec. 15. No second election shall be held under this act until after the expiration of two years from the holding of the first election, and no subsequent election shall be held within two years of the holding of a former election.

The State of Alabama, }  
Limestone County. }

Personally appeared before me, J. G. Rankin, a notary public in and for said county and State, Robert M. Rawls, who being by me duly sworn, deposes and says, that he is proprietor and publisher of The Alabama Courier, a newspaper of general circulation published weekly in Limestone county, Alabama; that the notice hereto attached was published in said paper once a week for four consecutive weeks, prior to March 13, 1911, said notice appearing in the issues of the following dates, viz.: Jan. 4th, 11th, 18th, 25; that the matter or thing to be affected is situated in the said county of Limestone, State of Alabama.

Robt. M. Rawls.

Sworn to and subscribed before me, this the 13th day of March, 1911.

J. G. Rankin,  
Notary Public.

By Mr. Lavender:

H. 778. To fix the compensation of sheriffs of Alabama for services rendered by them in the county courts of Alabama.

Revision of Laws.

By Mr. Pitts:

H. 779. To amend section 2519 of the code of Alabama.

Revision of Laws.

By Mr. McLendon (notice and proof) :

H. 780. To repeal an act entitled "An act to better provide for the maintaining and keeping in repair the public roads of Escambia county," approved September 17th, 1903, and an act entitled "An act to amend section 4 and 12 of an act to better provide for the maintaining and keeping in repair the public roads of Escambia county," approved July 31st, 1907.

Public Roads and Highways.

Notice and proof H. 780.

#### NOTICE.

Notice is hereby given that a bill will be introduced in Legislature of Alabama at its present session as follows, to-wit:

#### A BILL

To be entitled "An act to repeal an act entitled an act to provide for the maintaining and keeping in repair the public roads of Escambia county," approved September 17th, 1903, and an act entitled "An act to amend sections 4 and 12 of an act to better provide for the maintaining and keeping in repair the public roads of Escambia county," approved July 31, 1907.

Section 1. *Be it enacted by the Legislature of Alabama*, That the act entitled "An act to better provide for the maintaining and keeping in repair the public roads of Escambia county," approved September 17th, 1903, and the act entitled "An act to amend sections 4 and 12 of an act to better provide for the maintaining and keeping in repair the public roads of Escambia county," approved July 31st, 1907, be and the same are hereby repealed.

State of Alabama, }  
Escambia County. }

Before me, personally appeared H. C. Rankin, publisher of the Brewton Standard, a weekly newspaper published at Brewton in said county and State, who be-

ing by me duly and legally sworn deposes and says on oath that the following notice, to-wit: "Notice is hereby given that a bill will be introduced in the Legislature of Alabama at its present session as follows: "A bill to be entitled an act to repeal an act to better provide for the maintaining and keeping in repair the public roads of Escambia county, approved September 17th, 1903, and an act entitled an act to amend sections four and twelve of an act to better provide for the maintaining and keeping in repair the public roads of Escambia county, approved July 31, 1907.

Section 1. *Be it enacted by the Legislature of Alabama*, That the act entitled an act to better provide for the maintaining and keeping in repair the public roads of Escambia county, approved September 17, 1903, and the act entitled an act to amend sections four and twelve of an act to better provide for the maintaining and keeping in repair the public roads of Escambia county, approved July 31, 1907, be and the same are hereby repealed," a copy of which notice is hereto attached and made a part of this affidavit, was published for four successive weeks in said newspaper, beginning on February 16th, 1911, and ending on March 9th, 1911.

H. C. Rankin,  
Publisher.

Sworn to and subscribed before me, this the 15th day of March, 1911.

C. C. Brooks,  
N. P. & Ex-Off. J. P.

By Mr. McLendon (notice and proof):

H. 781. To better provide for the building, maintenance and keeping in repair of the public roads and bridges of Escambia county, Alabama, and for the working of the county convicts on said public roads and bridges, or to expend the proceeds of the hire of said convicts in building, maintaining and repairing the public roads and bridges of said county and for the issuing of bonds for that purpose.

Public Roads and Highways.

Notice and proof H. 781.

NOTICE.

Notice is hereby given that at the present session of the Legislature, now in session, a bill will be introduced repealing the present road law of Escambia county, Alabama, and providing for the use of county convicts to work on the public roads and bridges of Escambia county, Alabama, or to hire out such convicts and the proceeds therefrom to be applied to the road funds which said fund is to be used in building and maintaining the public roads and bridges of Escambia county, Alabama. Providing, also, for the establishing of a board of county road and bridge commissioners, consisting of three (3) members; and that T. R. Miller, E. J. Blow and J. E. McCoy shall constitute the said board of county road and bridge commissioners and shall hold office until the next general election, in 1914, or until their successors are duly elected and qualified; and that their successors shall be elected by a direct vote of the qualified voters of Escambia county, Alabama, at the general election in 1914, and every four (4) years thereafter. That said commissioners shall have general supervision over the building and maintenance of the public roads and bridges of said county, and of the funds in the county treasury subject to the building and maintenance of public roads and bridges and of all funds which may hereafter be applied to or subject to such purpose. That they may elect, subject to the approval of the board of county commissioners, an expert road engineer, and to pay him a salary not to exceed \$1,500 per year. Also that said commissioners may let out the building of public roads and bridges on contract. Also that said commissioners may obtain the services of road experts from the government, and to pay for such services the compensation, salary or fees required by the government. And also providing for the bonding of said county, not to exceed \$15,000.00, for the purpose of building, constructing, maintaining and repairing public roads and bridges in said county.

State of Alabama, }  
Escambia County. }

Before me, William D. Sorrell, a notary public in and for said county and State, personally appeared H. C. Rankin, publisher of the Brewton Standard, a weekly newspaper published at Brewton in said county and State who deposes and says on oath that the certain notice, hereto attached and marked "Exhibit A," and made a part of this affidavit, was published in said newspaper for four successive weeks, beginning on February 16, 1911, and ending on March 9th, 1911.

H. C. Rankin,  
Publisher.

Sworn to and subscribed before me, this the 15th day of March, 1911.

William D. Sorrell,  
Notary Public, Escambia Co., Ala.

By Mr. Jenkins, of Baldwin:

H. 782. To amend section 32 of an act entitled an act to further suppress the evils of intemperance and to secure obedience to and enforcement of and to prevent the evasion of, the laws of the State for the promotion of temperance and for the prohibition of the manufacture of and traffic in or unlawful disposition of prohibited liquors and beverages; and to provide for the abatement of liquor nuisances and the seizure and destruction of forfeited liquors and beverages and to prescribe the procedure in such cases, approved August 25th, 1909.

Temperance.

By Mr. Judge:

H. 783. To provide for elections in counties in this State which have a population of as much as one hundred thousand people according to the last federal census, or which hereafter shall have such population according to any census that may be taken hereafter to be held to determine whether the manufacture and sale of spirituous, vinous or malt liquors shall be legalized therein, and if legalized, whether the said liquors shall



be sold by private dealers under a license or by dispensary or by dispensaries, and beer buffets and if legalized to authorize and provide for and regulate the manufacture, sale and other disposition of said liquors by private dealers under license or by dispensary or by dispensaries and beer buffets and by social clubs and to provide penalties and punishments for violations of the provisions of this act, and to provide for and create an excise commission where the same is authorized by private dealers.

Temperance.

By Mr. Sullivan (notice and proof) :

H. 784. To authorize the city of Mobile to convey certain lands to the United States of America.

Privileges and Elections.

Notice and proof H. 784.

#### NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama which convened on the second Tuesday of January, 1911, for the passage of an act in substance as follows:

#### A BILL TO BE ENTITLED:

An act to authorize the city of Mobile to convey by deed certain lands to the United States of America.

Section 1. *Be it enacted by the Legislature of the State of Alabama*, That the city of Mobile, a municipal corporation, organized and existing under and by virtue of the laws of the State of Alabama, be and hereby is expressly authorized and empowered for the purpose of securing the establishment of a fish hatchery by the United States, near the city of Mobile, to convey by deed to the United States of America the following described land in Mobile county, and all riparian rights owned by the city of Mobile therein, viz:

Fractional division D, containing twenty acres, fractional division E, containing fifty-two and forty-one hundredths acres, all in section twelve township four, south, range two west, which said divisions D and E were sold as the southeast subdivision B of said section twelve and was patented by the United States of America to the corporate authorities of the city of Mobile on March 20th, 1834; also squares numbered eighty-nine, ninety, one hundred and nine, one hundred and ten, one hundred and eleven, and one hundred and twelve in section thirteen, township four south, range two west, as designated on the map made by Willis Roberts and recorded in the office of the judge of probate in miscellaneous book B, page one hundred and seventy, being one hundred and two and forty-one hundredths acres in all.

Sec. 2. Be it further enacted, That this act shall take effect and be in force from and after its approval by the governor.

State of Alabama, )

Mobile County. }

I, Benj. B. Cox, a notary public, in and for the city and county of Mobile, State of Alabama, do hereby certify that, M. P. Dowling, personally appeared before me, that he is personally known to me, that he was duly sworn by me according to law and did depose and say, that he is in the employ of the Mobile Daily Item, and has been continuously in the employment of the Mobile Daily Item, a newspaper published daily in the city of and county of Mobile, State of Alabama, for more than two years last passed, that he positively knows and swears that the attached printed notice, meaning the printed notice attached to this affidavit or paper containing the statement of affiant, was published in the Mobile Daily Item, a newspaper duly and regularly published in the city and county of Mobile, State of Alabama, in the paper or the issue of said paper of the dates of January 28th, 1911, February 4th, 1911, February 11th, 1911, and February 18th, 1911; that said printed notice of the application to apply to the Legislature for the passage of "a bill to be entitled an

act to authorize the city of Mobile to convey by deed certain lands to the United States of America," is an exact literal copy of the original written notice handed in to said newspaper for publication once a week for four consecutive weeks; that said notice was printed in the Mobile Daily Item once a week for four successive weeks and was published in the Mobile Daily Item in the city of Mobile, on Saturday, January the 28th, 1911, on Saturday, February the 4th, 1911, on Saturday, February 11th, 1911, and Saturday, February the 18th, 1911.

M. P. Dowling.

Subscribed and sworn to before me on this the 9th day of March, 1911.

Benj. B. Cox,

A notary Public, in and for Mobile County, State of Alabama.

By Mr. Milner (notice and proof) :

H. 785. To amend an act entitled an act to authorize and require the commissioners' court of Lamar county to set apart and appropriate money from the general fund of said county with which to pay and discharge certificates of State's witnesses issued by the foreman of the grand jury and by the clerk of the circuit court of said county, fees, which by law became a good claim against the fine and forfeiture fund of said county after the approval of this act and to regulate the manner of said payments and fixing the amount of said witness fees, approved December 3, 1896.

Local Legislation.

Notice and proof H. 785.

#### NOTICE.

Notice is hereby given that a bill will be introduced at the present session of the Legislature of Alabama to amend an act approved on December 3, 1896, to amend section 1, 2, and 9, of said act. Section 1 to be amended as follows:

Section 1. *Be it enacted by the Legislature of Alabama*, That it shall be the duty of the court of county commissioners of Lamar county to set apart an appropriation from the general funds of said county, the sum of five hundred dollars at each of the regular terms of said court in February and August, of each year, with which to pay and discharge certificates of State witnesses issued by the foreman of the grand jury or by the clerk of the circuit court of said county, or by the probate judge of said county in a proceeding of writ of habeas corpus where the party is charged with a criminal offense, and before the judge of the county court in a preliminary examination, and if the sum of five hundred dollars should not be sufficient to pay said witness fees said commissioners' court shall set apart a sufficient amount to pay the same at any regular term or special term of said court.

Section 2 of said act to be amended as follows:

Be it further enacted, That the State witnesses in attendance before the grand jury of said county shall be entitled to a certificate from the foreman of the grand jury for the sum of one dollar per diem for attendance, and four cents per mile travel as fees while attending circuit court and for ferrage; and the State witnesses in attendance upon the circuit court shall be entitled to a certificate and for mileage in the like sum and at the rate as provided for witnesses before the grand jury in this section and to be signed by the clerk of the circuit court, and the witnesses who attend for and in behalf of the State in any preliminary examination before the county court or before the probate judge of Lamar county, Alabama, or who attend in behalf of the State in any habeas corpus proceeding where the defendant is charged with a criminal offense, shall be entitled to the same fee for attendance in said proceeding; said certificate to be signed by the judge of the court in which said proceeding is had.

Section 9 to be amended as follows:

Be it further enacted, That the fees of persons who have been summoned in behalf of the State upon any trial in which the defendant is charged with any crimi-

nal offense before the county court of said county, shall receive the sum of one dollar per diem and fifty cents per day.

Section 4. Be it further enacted, That all laws or parts of laws in conflict with the provisions of this act so far as it applies to Lamar county be and the same are hereby repealed.

~~Walter Nesmith.~~

The State of Alabama, }  
Lamar County. }

Before me, S. J. Shields, register in chancery in and for said county and State, this day personally appeared C. S. McDougal, who, being by me first duly sworn, deposes and says that he is the publisher of the Lamar Democrat a newspaper published in Lamar county, Alabama, being published weekly; that the attached and foregoing notice was published in the said Lamar Democrat once a week for four consecutive weeks, beginning on the 1st day of February, 1911, and the last publication being on the 8th day of March, 1911.

C. S. McDougal.

Subscribed and sworn to before me, this 20th day March, 1911.

S. J. Shields,  
Register in Chancery.

By Milner (notice and proof):

H. 786. To repeal an act to reduce and regulate the payments of ex-officio fees so far as it relates to Lamar county, Alabama, approved Feb. 21st, 1903.

Local Legislation.

Notice and proof H. 786.

#### NOTICE.

Notice is hereby given that there will be an act introduced at the present session of the Legislature of Alabama to repeal an act approved February 21, 1893, in substance as follows:

## AN ACT

To reduce and regulate the payment of ex-officio fees so far as the same applies to Lamar county, Alabama.

Section 1. *Be it enacted by the General Assembly of Alabama*, That on and after the passage of this act, that the compensation allowed the sheriff, the clerk of the circuit court and the judge of probate of Lamar county, Alabama, for the performance of those duties required of them for which there are no fees fixed by law, shall on proof to the court of county commissioners, that they have performed all the said duties required of them shall be as follows: To the sheriff two hundred dollars per annum for all duties which there are no fees fixed by law, and to the clerk of the circuit court, and to the judge of probate, one hundred and fifty dollars per annum for all duties which there is no fees fixed by law.

Sec. 2. Be it further enacted, That the said compensation shall be paid semi-annually, one-half at the February meeting and the other at the August term of the commissioners court of said county, by warrant on the county treasurer.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed.

The State of Alabama, }  
Lamar County. }

Before me, S. J. Shields, register in chancery in and for said county and State, this day personally appeared C. S. McDougal, who, being by me first duly sworn, deposes and says that he is the publisher of the Lamar Democrat a newspaper published in Lamar county, Alabama, being published weekly; that the attached and foregoing notice was published in the said Lamar Democrat once a week for four consecutive weeks, beginning on the 1st day of February, 1911, and the last publication being on the 8th day of March, 1911.

C. S. McDougal.

Subscribed and sworn to before me, this 20th day March, 1911.

S. J. Shields,  
Register in Chancery.

By Mr. Milner (notice and proof) :

H. 787. To repeal an act to fix and regulate the fees of the deputy solicitor of Lamar county, Alabama, approved on the first day of October, 1903.

Local Legislation.

Notice and proof H. 787.

NOTICE.

Notice is hereby given that there will be an application made to the present session of the Legislature of Alabama and a bill introduced to repeal an act entitled an act to fix and regulate the fees of the deputy solicitor of Lamar county, Alabama, approved on the 1st day of October, 1903.

C. S. McDougal.

The State of Alabama, )  
Lamar County. }

Before me, S. J. Shields, register in chancery in and for said county and State, this day personally appeared C. S. McDougal, who, being by me first duly sworn, deposes and says that he is the publisher of the Lamar Democrat a newspaper published in Lamar county, Alabama, being published weekly; that the attached and foregoing notice was published in the said Lamar Democrat once a week for four consecutive weeks, beginning on the 1st day of February, 1911, and the last publication being on the 8th day of March, 1911.

C. S. McDougal.

Subscribed and sworn to before me, this 20th day March, 1911.

S. J. Shields,  
Register in Chancery.

By Mr. Milner (notice and proof) :

H. 788. For the relief of R. L. Bradley, judge of probate of Lamar county, State of Alabama.

Local Legislation.

Notice and proof H. 788.

NOTICE.

Notice is hereby given than an act will be introduced at the present session of the Legislature of Alabama, for the relief of R. L. Bradley, judge of the probate court of Lamar county, Alabama, in substance as follows:

That, whereas, R. L. Bradley, judge of probate of Lamar county, Alabama, has collected a privilege tax for recording a mortgage for and in behalf of The Surety Trust Company, of Detroit, Michigan, the sum of \$168.75, more than the State of Alabama was entitled to, and upon a hearing of the board of compromise dated on the 30th day of September, 1910, decreeing and directing that R. L. Bradley as judge of probate of Lamar county shall refund to The Surety Trust Company, of Michigan, the sum of \$168.75; and the said R. L. Bradley as judge of probate of Lamar county, Alabama, had, before this decree was rendered, paid into the State treasury of Alabama, the said sum of \$168.75 which the board of compromise had directed that the said R. L. Bradley as probate judge should pay to the Surety Trust Company of Michigan.

Be it enacted by the Legislature of Alabama, That the State auditor of Alabama be and is hereby authorized and required to draw a warrant in favor of R. L. Bradley, judge of probate of Lamar county, for said amount, and the same to be paid by the State treasurer of Alabama out of the funds of said State.

The State of Alabama, )  
Lamar County. }

Before me, S. J. Shields, register in chancery in and for said county and State, this day personally appeared



C. S. McDougal, who, being by me first duly sworn, deposes and says that he is the publisher of the Lamar Democrat a newspaper published in Lamar county, Alabama, being published weekly; that the attached and foregoing notice was published in the said Lamar Democrat once a week for four consecutive weeks, beginning on the 1st day of February, 1911, and the last publication being on the 8th day of March, 1911.

C. S. McDougal.

Subscribed and sworn to before me, this 20th day of March, 1911.

S. J. Shields,  
Register in Chancery.

By Mr. Milner (notice and proof) :

H. 789. To repeal an act approved on January 30th, 1891, to reduce the fees of the probate judge of Lamar county in certain cases.

Local Legislation.

Notice and proof H. 789.

#### NOTICE.

Notice is hereby given that there will be an act introduced at the present session of the Legislature of Alabama to repeal an act approved January 30, 1891, in substance as follows:

To reduce the fees of probate judges in certain cases in the county of Lamar:

Section 1. *Be it enacted by the General Assembly of Alabama*, That from and after the expiration of the existing term of the present incumbent of the probate judge's office of Lamar county, that the judge of probate of the county of Lamar shall receive for recording the proceedings of commissions, for each hundred words, ten cents; and for recording wills, inventories, sale bills, reports, certificates, transcripts, returns, orders, decrees, declarations of incorporation, deeds and all other instruments, and all proceedings required by

law to be recorded and not otherwise provided for each hundred words, ten cents.

Sec. 2. Be it further enacted, That all laws or parts of laws contravening the provisions of this act be and the same are hereby repealed, so far as the county of Lamar is concerned.

The State of Alabama, }  
Lamar County. }

Before me, S. J. Shields, register in chancery in and for said county and State, this day personally appeared C. S. McDougal, who, being by me first duly sworn, deposes and says that he is the publisher of the Lamar Democrat a newspaper published in Lamar county, Alabama, being published weekly; that the attached and foregoing notice was published in the said Lamar Democrat once a week for four consecutive weeks, beginning on the 1st day of February, 1911, and the last publication being on the 8th day of March, 1911.

C. S. McDougal.

Subscribed and sworn to before me, this 20th day March, 1911.

S. J. Shields,  
Register in Chancery.

#### REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

The committee on Engrossed bills have examined the following House bill:

H. 674. To establish a State school for teaching agriculture and domestic economy at Lineville, Alabama; to provide for the management and control thereof, and to make appropriation to support said school.

And find same correctly engrossed.

A. K. Merrill,  
Chairman.

The report of the committee was concurred in.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and adopted the following joint resolution :

By Mr. Sprott:

S. J. R. 91. Resolved by the Senate, the House concurring, That the governor be requested to return to the Senate, Senate bill 95 to correct errors in same.

And sends same herewith to the House.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the S. J. R. 91, which is set out in the above and foregoing Senate message.

Mr. Cranford gave notice that on the next legislative day he would move to take H. 512 from the adverse calendar.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and passed the following bills:

S. 136. To amend section 1993 of the code of 1907.

S. 19. To appropriate the sum of twenty-five thousand dollars for the erection of a modern school building for the sixth congressional district agricultural school, located at Hamilton, the present building having become inadequate for the necessities of the school.

Also:

S. 413. To vacate certain streets in the town of Marion.

And send the same to the House with notice and proof attached, and herewith exhibited as follows:

State of Alabama, }  
 Perry County. }

Before me, the undersigned officer in and for said State and county, appeared C. H. Greer and being sworn deposes and says that he is publisher of the Marion Standard, a newspaper published in the town of Marion, Perry county, Alabama, and that the following notice was published in said newspaper once a week for four consecutive weeks prior to and including this date, viz.:

#### NOTICE.

Notice is hereby given that application will be made at the present session of the Legislature of Alabama for the passage of the following bill, viz.:

#### A BILL

To be entitled an act to vacate certain streets in the town of Marion.

*Be it enacted by the Legislature of Alabama:*

First. That the following streets in the town of Marion, in Perry county, be and the same are hereby vacated and annulled, viz.: That street sometimes known as Parish street, beginning at the northwest corner of the Cunningham lot (now owned by the Marion Institute) and running then in a southerly direction between said Cunningham lot and the Ball lot on the east, and the old Marion Institute campus on the west, and thence in a southerly and westerly direction to the street running north and south on the west side of the said Marion Institute property. Also that street known as College street running from Parish street east between said Ball lot and said Cunningham lot to Washington street.

Second. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

J. W. Arbuthnot, Mayor.

T. T. Daughdrill, Clerk.

That such notice was published in such newspaper of the following dates, viz.: Feb. 17, 1911; Feb. 24, 1911; March 3rd, 1911, and March 10th, 1911.

Charles H. Greer.

Sworn to and subscribed before me, this 10th day of March, 1911.

J. F. Ervin,

Notary Public, Perry Co., Ala.

To the Honorable Senator and Representatives for Perry County:

The undersigned mayor and clerk of the town of Marion do hereby certify that the bill herewith enclosed to close certain portions of Parish and College streets has been unanimously endorsed by the town council of Marion in session, and the Legislature is respectfully asked to pass the same as promptly as possible as the matter is of considerable importance.

We would further state that in lieu of the streets to be closed there has been dedicated to the town of Marion two other streets running along the north and south side of said Marion Institute property which is considered by the council as amply sufficient for the use of the public.

Respectfully submitted,

J. W. Arbuthnot, Mayor.

Attest:

T. T. Daughdrill, Clerk.

Also:

S. 424. To authorize and direct the probate judge of Autauga county, Alabama to hold regular terms of the county court of said county for the trial of misdemeanors as provided by article 3 of chapter 198 of the code of Alabama.

And send the same to the House with notice and proof attached, and herewith exhibited as follows:

#### NOTICE.

"Notice is hereby given that at the next session of the Legislature of Alabama, there will be introduced

for passage and approval a bill for the purpose of authorizing and directing the probate judge of Autauga county, Alabama, to hold regular terms of the county court of said county for the trial of misdemeanors, as the judges of probate are empowered and directed to do in their respective counties, by article 2, chapter 198, of the code of Alabama."

State of Alabama, }  
Autauga County. }

Before me, J. M. Tucker, a notary public, in and for said county and State, personally appeared Chas. T. Kent, publisher of The Prattville Progress, a newspaper published in said county, who being duly sworn, deposes and says that the foregoing notice has been regularly published once a week for four consecutive weeks in said paper, beginning on Thursday, December 22nd, 1910, and continuing each Thursday of each week thereafter, for four consecutive weeks, as aforesaid.

Chas. T. Kent,  
Publisher.

Sworn and subscribed to before me this the 15th day of March, 1911.

J. M. Tucker,  
Notary Public.

Also:

S. 329. To provide for an election in Elmore county, Alabama, to determine whether or not the incorporated cities and towns in said county, and the cities and towns that may hereafter be incorporated in said county, shall be authorized and permitted to operate dispensaries; to fix the time and provide the manner of holding said election, and in the event a majority of the qualified voters of said county shall vote in favor of authorizing such dispensaries, to authorize and permit the incorporated cities and towns and the cities and towns that may hereafter be incorporated in said county to establish and operate a dispensary or dispensaries for the purpose of buying and selling spirituous, vinous and malt liquors and to provide for the distribution of cer-

tain profits arising therefrom, and to further regulate or prohibit the sale of such liquors in said county.

And send the same to the House with notice and proof attached, and herewith exhibited as follows:

#### NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama now in session for the passage of a local law applicable to the county of Elmore, State of Alabama, the substance of which shall be as follows:

To provide for the holding of an election by the qualified voters of Elmore county, Alabama, to determine whether or not the incorporated cities and towns in said county, and the cities and towns that may hereafter be incorporated in said county, shall be authorized and permitted to operate a dispensary or dispensaries, and to purchase, sell or otherwise dispose of spirituous, vinous or malt liquors and other intoxicating drinks and beverages; to fix the time and provide for the manner of holding said election; and in the event a majority of the qualified electors of said county shall vote in favor of authorizing said cities and towns to operate such dispensary or dispensaries, as aforesaid, to authorize and permit the incorporated cities and towns of said county and the cities and towns that may hereafter be incorporated in said county, to operate a dispensary or dispensaries, and for the purchase, sale and disposition of spirituous, vinous or malt liquors and other intoxicating drinks and beverages; to regulate the conduct of said dispensaries; to provide for the disposition of the profits therefrom between the public schools and the road and bridge fund of said county and the incorporated towns therein, and to repeal all laws or parts of laws, general, special and local, regulating or prohibiting the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors or other intoxicating drinks or beverages within the said county or any municipality or subdivision thereof in conflict with the provisions of said act, and to repeal section 4 of an act

entitled an act to incorporate the Tallassee Falls Manufacturing Company, approved Jan 29, 1852, (Bill No. 166) prohibiting the sale of liquor within four miles of the factories of said corporation, insofar as the same shall conflict with the provisions of said act.

1-12-4t

State of Alabama, }  
Montgomery County. }

Personally appeared before me, H. F. Crenshaw, a notary public in and for the State and county aforesaid, H. H. Golson, known to me, who being duly sworn doth depose and say that he is the publisher of The Weekly Herald, a newspaper published in the city of Wetumpka, in the county of Elmore, and State of Alabama, that the above notice was published in said weekly Herald for four successive weeks, and appeared in the regular issues of said newspaper on the 12th, 19th and 26th days of January, 1911, and on the 2nd day of February, 1911.

H. H. Golson.

Sworn to and subscribed before me this the 24th day of February, 1911.

H. F. Crenshaw,  
Notary Public.

And send same herewith to the House.

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing Senate message, were read one time and referred to appropriate standing committees as follows:

Appropriations, S. 136, S. 19.

Local Legislation, S. 413.

Revision of Laws, S. 424.

Temperance, S. 329.



MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has passed the following House bills:

H. 177. To close and abandon certain described portions of certain streets, avenues and alleys in the city of Sheffield, and county of Colbert.

H. 439. To create the office of county solicitor for Butler county, provide for the election of such solicitor by the qualified electors of said county, and to prescribe his qualifications and duties and fix his compensation.

H. 449. To better improve the public roads of Washington county, Alabama, and to make better provisions for the working of said public roads, to divide said county into four road districts, and to provide for the election of a member of the court of county commissioners as road supervisor for each of said road districts; to provide the duties of said road supervisors; to require the overseers of public roads of Washington county, Alabama, to work under and in connection with the said supervisors; to fix the pay of said supervisors; to provide for reports of said supervisors; and to provide a penalty for failure to comply with said law.

H. 501. To regulate the fine and forfeiture fund of Fayette county, Alabama; to require registered claims against said fund to be presented by the fifteenth day of October, 1911, and to transfer any surplus belonging to said fund to the general or other special fund of the county as may be directed by order of the county commissioners.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker :

The committee on Enrolled Bills have examined the following House bills:

H. 115. To provide for and regulate the assessment, levy and collection of municipal taxes, of all cities in the State of Alabama having over one hundred thousand population according to the last State or Federal census, or according to any succeeding State or Federal census, to define the duties of the State, county and municipal officers in regard thereto, to fix the tax year for such cities and to make the county tax collector of each county ex-officio the collector of property tax for each of such cities within the county.

H. 117. To amend section 6648 of the code of Alabama.

H. 177. To close and abandon certain described portions of certain streets, avenues and alleys in the city of Scheffield, and county of Colbert.

H. 420. To establish an inferior court in precincts 10, 34 and 46 in Jefferson county, Alabama, in lieu of all justices of the peace and notaries public with power of justice of the peace in said precincts and to define the jurisdiction and powers of said court and the judge thereof.

H. 439. To create the office of county solicitor for Butler county, provide for the election of such solicitor by the qualified electors of said county, and to prescribe his qualifications and duties and fix his compensation.

H. 449. To better improve the public roads of Washington county, Alabama, and to make better provision for the working of said public roads, to divide said county into four road districts and to provide for the election of a member of the court of county commissioners as road supervisor for each of said districts; to provide the duties of said road supervisors; to require the overseers of public roads of Washington county, Alabama, to work under and in connection with the said supervisors; to fix the pay of said supervisors; to provide for reports of said supervisors; and to provide a penalty for failure to comply with said law.

H. 501. To regulate the Fine and Forfeiture Fund of Fayette County, Alabama; to require registered claims against said fund to be presented by the 15th day of

October, 1911, and to transfer any surplus belonging to said fund to the general or other special fund of the county as may be directed by order of the County Commissioners.

H. 523. To create a highway commission for Houston county, Alabama, and to define the powers and duties of said commission, and to provide for the appointment of the members of said commission and to aid the commission in obtaining revenue to carry out its work.

H. 602. To permit the playing of base ball on Sunday in the city of Mobile.

H. 645. To create and establish the office of General Guardian ad litem in all Counties of over One Hundred Thousand (100,000) population according to the last preceding Federal census or according to any subsequent Federal census; to prescribe his duties and qualifications; to provide for his appointment and to fix his compensation and term of office, to provide for the appointment of a guardian ad litem in cases where the General guardian ad litem is disqualified or where the interests of the infants interested in a case are antagonistic or conflicting; and to provide the penalty for wrongfully appointing such Guardian ad litem.

H. 394. To amend section 1524 of the code of 1907. And find same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled Bills.

#### GOVERNOR'S MESSAGE.

On motion of Mr. Pegram the House concurred in and adopted the amendment proposed by the governor

to the bill, H. 538, said governor's amendment being as follows:

March 22nd, 1911.

To the House of Representatives:

I herewith return House bill 538 without my approval, and suggest the following amendment to meet my objection thereto:

Add to the bill, after the last word therein, the following: "Provided, that the increase in salary herein provided for shall not apply until the expiration of the present term of said office."

Without this amendment the bill would be in conflict with section 281 of the Constitution, providing that:

"The salary, fees or compensation of any officer holding any civil office of profit under this State or any county or municipality therein, shall not be increased or diminished during the term for which he shall have been elected or appointed."

Emmet O'Neal,  
Governor.

Yeas, 62; nays, 0.

Yeas:

Messrs:—

Speaker	Fuquay	Merrill
Acker	Hollis (Walker)	Mulkey
Arnold	Hood	McCurdy
Barnard	Horton	McDonald
Bell (Autauga)	Jackson	McGowen
Bell (Pickens)	James	McLendon
Brindley	Jenkins (Bullock)	Nicholson
Brown (Pike)	Jones	O'Neill
Brown (Tuscaloosa)	Judge	Overton
Burton	Knight	Page
Bush	Lawson	Pegram
Butt	Lee	Pitts
Carroll	Letson	Popwell
Chamberlain	Lloyd	Preston
Eastis	Lumpkin	Ramsey
Edmonds	Martin (Calhoun)	Richeson
Flanagan	Martin (Jackson)	Roberson

Smith	Waddell	Wilhite
Stollenwerck	Waits	Williams
Sullivan	Whatley	Wright
Twombly	Wheelless	

# GOVERNOR'S MESSAGE.

On motion of Mr. Brindley, the House concurred in and adopted the amendment proposed by the governor to the bill, H. 543, said governor's amendment being as follows:

March 22nd, 1911.

To the House of Representatives:

I herewith return House bill 543 without my approval, and suggest the following amendment to meet my objection thereto:

Amend section 2 of the bill by adding at the end thereof the following:

"The judge so elected as herein provided, shall take the oath of office required by law to be taken by judges of the circuit court, and shall be removed from office for the same causes, and in the same manner as the judges of the circuit court. He shall have and exercise all the jurisdiction and powers which are or may be hereafter lawfully exercised by the judges of the circuit court and chancellors, including authority to issue writs of injunction, prohibition, certiorari, mandamus, habeas corpus, ne exeat, and all other remedial writs returnable to any court in the State."

The powers enumerated above are given the judge of said court by the act amended, and it was doubtless inadvertence which framed the amendment so as to take them from him.

The notice accompanying the bill shows that the intent was to deal only with the manner of selecting the judge, and it would probably avoid the whole bill to have it go further and make so material a change as to take from the judge the powers set out.

Emmet O'Neal,  
Governor.

Yeas, 63; nays, 0.

## Yeas:

## Messrs:—

Speaker	Jackson	O'Neill
Acker	James	Overton
Arnold	Jenkins (Baldwin)	Page
Barnard	Jenkins (Bullock)	Pegram
Bell (Autauga)	Jones	Pitts
Bell (Pickens)	Judge	Popwell
Brindley	Knight	Preston
Brown (Pike)	Lawson	Ramsey
Brown (Tuscaloosa)	Lee	Richeson
Burton	Letson	Roberson
Bush	Lloyd	Smith
Butt	Lumpkin	Stollenwerck
Carroll	Martin (Calhoun)	Sullivan
Chamberlain	Martin (Jackson)	Twombly
Eastis	Merrill	Waddell
Edmonds	Mulkey	Waits
Flanagan	McCurdy	Whatley
Fuquay	McDonald	Wheelless
Hollis (Walker)	McGowen	Wilhite
Hood	McLendon	Williams
Horton	Nicholson	Wright

—63

Mr. Rylance called up his motion to take the bill, H. 722 from the adverse calendar. The motion prevailed, and the bill:

H. 722. To make an appropriation to be expended by the Horseshoe Bend Battle Anniversary Commission for the appropriate celebration of the one hundredth anniversary of the battle of Horseshoe Bend in 1914, the care of the monument erected in commemoration of said battle, and the grounds on which the same may be erected and for other purposes.

Was read a second time and placed upon the regular calendar of the House.

## BILL READ AT LENGTH A SECOND TIME.

The following bill was read a second time at length:

H. 629. To submit to the qualified electors of the State at the general election to be held on the first Tuesday after the first Monday in November, 1912, for their consideration amendments to sections 178 and 194 of article VIII of the Constitution so as not to require the payment of any poll tax as a condition precedent to voting, and so as not to prohibit allowance of legal process for the collection of poll tax, and so as to lessen time of legal voting residence.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from his excellency the governor, vetoing:

S. 219. To provide for the payment to the tax assessor of Montgomery county, the sum of seven hundred dollars for the year 1911, and the sum of seven hundred dollars per annum thereafter, out of the general fund of said county, as ex-officio fees to said assessor.

And the Senate has sustained the veto of the governor.

Yeas, 18; nays, 0.

Which is a majority of the whole number elected to the Senate, and the Senate herewith sends said bill with the governor's message vetoing same herewith to the House of Representatives.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

On motion of Mr. Smith the message from the Senate was concurred in and adopted, and the governor's veto to the bill, S. 219, the title to which is set out in the above and foregoing Senate message, was sustained.

Yeas, 67; nays, 0.

## Yeas :

Messrs :—

Speaker	Jones	Pegram
Acker	Kilburn	Pittman
Arnold	Knight	Pitts
Barnard	Lavender	Popwell
Bell (Autauga)	Lawson	Preston
Bell (Pickens)	Lee	Pruett
Brewer	Letson	Quinn
Brown (Pike)	Lloyd	Ramsey
Brown (Tuscaloosa)	Lumpkin	Richeson
Burton	Martin (Calhoun)	Roberson
Chamberlain	Martin (Jackson)	Rylance
Eastis	Merrill	Strickland
Edmonds	Milner	Stollenwerck
Flanagan	Mulkey	Sullivan
Fletcher	McCurdy	Thomas
Greene	McDonald	Twombly
Griffith	McGowen	Waddell
Hollis (Walker)	McLendon	Waites
Hood	Nicholson	Whatley
Horton	Overton	Wheless
Jackson	Parks	Williams
James	Pharr	Wright
Johnson (Clarke)		

—67

## SPECIAL ORDER.

The hour having arrived, the House proceeded to the consideration of the special order, which was the bill:

H. 681. To secure uniformity in the assessments of property in the various counties of the State of Alabama, and to that end to increase the powers and duties of the State tax commission and to relieve the county tax commissioners of all powers and duties in connection with the assessment or back assessment of property in this State and to increase the appropriation for the support and maintenance of the State tax commission.



Mr. Pegram offered the following amendment to the bill:

Amend the title to House bill 681 so as to read as follows:

"A bill to be entitled an act to secure uniformity and equality in the assessments of property in the various counties of the State of Alabama, and to that end to ~~increase the powers and duties of the State tax commission~~, and to further prescribe the powers and duties of the assistants employed by the State tax commission, and to further provide for their compensation, and to relieve county tax commissioners of all powers and duties in connection with increases and reductions in the assessments of property in this State, and to increase the appropriation for the support and maintenance of the State tax commission, its agents and employees."

Amend section 2 of said bill so as to read as follows:

"Sec. 2. For the purpose of better securing equalization in the assessments of property in the various counties of the State of Alabama, it shall be the duty of the State tax commission of Alabama, and it shall have the power and authority, in addition to the duties, powers and authority now conferred upon it by law, to visit, either in person, through one or more of its members, or through assistants designated for that purpose, each of the several counties of the State at least five days in each year for the purpose of investigating the assessments therein, and to the end that the same may be so increased or reduced as to bring about as nearly as may be, equality and uniformity in the basis of assessments, throughout the State, and for that purpose institute proceedings and take steps as now provided by law; to cause to be reduced or increased any assessment, in whole or in part, upon any property of any character; and the said State tax commission is empowered to employ a sufficient number of assistants to be selected because of their familiarity with property and taxable values, as may be necessary to perform the duties which may be required of them by the State tax commission. The compensation of such assistants shall be fixed by the State tax commission, with the approval

of the governor, provided that no assistant shall receive more than two thousand four hundred dollars per annum, exclusive of expenses and provided that the total expense of such assistants, as of all other expenses in connection with the support and maintenance of said tax commission, shall be paid out of the general appropriation for the support and maintenance of said State tax commission. The assistants of said tax commission designated for that purpose by said commission shall have all the power and authority in the matter of and in connection with increasing or reducing assessments heretofore conferred upon and possessed by county tax commissioners and the county tax commissioners of this State, shall hereafter have and exercise no powers or duties in connection with increases or reductions in the assessment of property and shall have and exercise no powers or duties whatsoever in connection with the assessment of property, except such powers and duties as are by law given to said county tax commissioners in connection with escapes on assessments of property which has escaped assessment."

Amend section 5 by striking out the word (\$50,000.00) fifty thousand," and inserting in lieu thereof the words "forty thousand dollars (\$40,000.00)."

#### RECESS.

The hour of one o'clock having arrived, the House recessed until 3 o'clock P. M.

#### AFTERNOON SESSION.

The hour of 3 o'clock having arrived, the House reconvened.

#### UNFINISHED BUSINESS.

The House proceeded to the consideration of the unfinished business, which was the bill:

H. 681. To secure uniformity and equality in the assessments of property in the various counties of the

State of Alabama, and to that end to increase the powers and duties of the State tax commission and to relieve the county tax commissioners of all powers and duties in connection with the assessment or back assessment of property in this State and to increase the appropriation for the support and maintenance of the State tax commission.

The question was upon the adoption of the amendment offered by Mr. Pegram.

Mr. Arnold offered the following substitute for the amendment offered by Mr. Pegram:

Substitute for amendment:

Amend the caption of the bill so as to make the same read as follows:

"A bill to be entitled an act to secure uniformity and equalization in the assessment of property in the various counties of the State of Alabama, and to that end to increase the powers and duties of the State tax commission, and to further prescribe the powers and duties of the assistants employed by the State tax commission, and to further provide for their compensation, and to increase the appropriation for the support and maintenance of the State tax commission."

Amend section 2 of the bill as amended so that the same shall read as follows:

"2. For the purpose of better securing equalization in the assessment of property in the various counties of the State of Alabama, it shall be the duty of the State tax commission of Alabama, and it shall have the power and authority, in addition to the duties, powers and authority now conferred upon it by law, to visit, either in person, through one or more of its members, or through assistants designated for that purpose, each of the several counties of the State at least five days in each year, for the purpose of investigating the assessments therein, and to the end that the same may be so increased or reduced as to bring about, as nearly as may be, equality and uniformity in the basis of assessments throughout the State, and for that purpose to institute proceedings and take such steps as now provided by law

to cause to be reduced or increased any assessment, in whole or in part, upon any property of any character; and the said State tax commission is empowered to employ a sufficient number of assistants, to be selected because of their familiarity with property and taxable values, as may be necessary to perform the duties which may be required of them by the State tax commission. But no assistants shall be employed by said State tax commission unless such employment has been first approved by the governor in writing. The compensation of such assistants shall be fixed by the State tax commission subject to the approval of the governor; provided that no such assistant so employed shall receive more than two thousand dollars per annum, exclusive of expenses; provided, however, that no part of said salary or expense account shall be contracted for or paid until the same shall first have been approved by the governor in writing; provided further, however, that the total expense of such assistants, as all other expenses in connection with the support and maintenance of said State tax commission, shall be paid out of the general appropriation for the support and maintenance of said State tax commission. The assistants of said State tax commission designated for that purpose by said State tax commission as aforesaid shall have all the power and authority in the matter of and in connection with increasing or reducing assessments conferred upon and possessed by county tax commissioners; but no assistant of said State tax commission shall be authorized or permitted to either increase or reduce any tax assessment in any county in this State where there is at the time a county tax commissioner for such county, or where such county tax commissioner may be hereafter appointed under the law as it now exists."

Amend the bill by striking out section 6 thereof.

On motion of Mr. Bush, the amendment offered by Mr. Arnold was laid upon the table.

Yeas, 39; nays, 37.

## Yeas :

Messrs :—

Speaker	Helms	Merritt
Acker	Hollis (Walker)	Mulkey
Bell (Autauga)	Hood	McGowen
Bell (Pickens)	Jackson	Page
Brindley	Johnson (Clarke)	Pegram
<del>Brown (Fuscaloona)</del>	<del>Johnson (Marshall)</del>	<del>Percy</del>
Burton	Jones	Ramsey
Bush	Judge	Richeson
Capps	Kilburn	Ryance
Cranford	Lawson	Stollenwerck
Fletcher	Letson	Sullivan
Fuquay	Lumpkin	Waits
Greene	Merrill	Wright

—39

## Nays :

Messrs :—

Arnold	Lavender	Pittman
Barnard	Lee	Pitts
Brewer	Lloyd	Popwell
Brown (Pike)	Martin (Calhoun)	Preston
Butt	Martin (Jackson)	Pruett
Carroll	Mastin	Quinn
Chamberlain	Mathews	Strickland
Edmonds	Milner	Thomas
Griffith	McCurdy	Twombly
Jenkins (Baldwin)	Nicholson	Waddell
Jenkins (Bullock)	O'Neill	Whatley
Knight	Overton	Wheless
		Wilhite

—37

## PAIRS ANNOUNCED.

Mr. Huddleston announced that he was paired with Mr. James. If Mr. James were present he would vote yea, and Mr. Huddleston would vote nay.

Mr. Williams announced that he was paired with Mr. Parks. If Mr. Parks were present he would vote nay and Mr. Williams would vote yea.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and adopted the following joint resolution :

By Mr. Plowman :

S. J. R. ----. Resolved by the Senate, the House concurring, That when the two houses adjourn today they stand adjourned until Friday 12 o'clock M., March 24, 1911.

And sends same herewith to the House.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the Senate joint resolution which is set out in the above and foregoing Senate message.

RESOLUTION.

The following House joint resolution was introduced :

By Mr. Percy :

H. J. R. 112. Resolved by the House, the Senate concurring, That the governor be and he is hereby requested to return to the House, House bill 112 :

H. 112. To provide and create a commission form of municipal government and to establish same in all the cities of Alabama which now have, or which may hereafter have, a population of as much as one hundred thousand people according to the last Federal census, or any such census which may hereafter be taken ; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office ; to fix their powers, duties and compensation ; to punish improper conduct in connection with elections and petitions hereunder ; to abolish police commissioners, aldermen and certain other city officials ; and otherwise to provide for the creation and maintenance of said commission form of government.

And that upon the return of said bill to the House the Speaker of the House be requested and authorized to erase his signature from said bill, and that the President of the Senate be requested and authorized to erase his signature from said bill.

On motion of Mr. Percy, the rules were suspended and the resolution was adopted.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in H. J. R. 112, relative to the return by the governor of House bill 112 and erasure of signatures therefrom, and herewith returns said resolution to the House.

J. A. Kyle,  
Secretary.

GOVERNOR'S MESSAGE.

The following message was received from the governor:

Chief Executive Department, Alabama.

Montgomery, March 22, 1911.

To the House of Representatives:

In accordance with House joint resolution heretofore adopted, I herewith return House bill 112.

Emmet O'Neal,  
Governor.

ERASURE OF SIGNATURE.

In accordance to House joint resolution, the Speaker of the House in the presence of the House erased his signature from the House bill 112.

MESSAGE FROM THE SENATE.

Mr. Speaker:

In accordance with H. J. R. heretofore adopted the President of the Senate in the presence of the Senate erased his signature from the bill, House bill 112.

And said bill is herewith returned to the House.

J. A. Kyle,  
Secretary.

## RESOLUTION.

The following resolution was introduced:

By Mr. Rylance:

H. R. 113. Be it resolved by the House, That the door-keeper of the House be and he is hereby instructed, directed and authorized to pay to Representatives Rylance, Mulkey, Greene, Walden and McGowen the sum expended by them according to the statement of their expense account as provided for under Senate joint resolution 37 which said resolution provides that a joint committee of seven be appointed to consist of three members of the Senate and four members of the House for the purpose of visiting the Mercy Industrial School, the Boys' Industrial School and the Alabama Home of Refuge in Jefferson county, and that the amount so paid by the door-keeper be charged to the current expense account of the House.

And the resolution was referred to the standing committee on Rules.

## REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

The committee on Enrolled Bills have examined the following House bill:

H. 323. To provide and create a commission form of Municipal government and to establish same in all the cities of Alabama which now have, or which may hereafter have, a population of as much as twenty-five thousand and less than fifty thousand people according to the last federal census or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials; and otherwise provide for the creation and maintenance of said commission form of government.

And find same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.



## SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled Bills: •

## RECESS.

The hour of 5:30 o'clock having arrived, the House recessed until 8 o'clock p. m.

## NIGHT SESSION.

The hour of eight o'clock having arrived, the House reconvened.

## BILLS ON THIRD READING.

H. 697. To provide for the further protection of fish and to prevent the taking or catching of fish except with hook and line or with spear, cast net or gig in any lake, river, creek, stream, lagoon or bayou in Baldwin county, Alabama, except that portion of said county which lies south of the northern boundary line of township 8 south and west of the western boundary lines of range 4 east, and Weeks bay and that portion of streams emptying into Weeks bay one mile from the mouth thereof, and except Bon Secour bay and the streams emptying into Bon Secour bay two miles from the mouth thereof, and except Bon Secour river below Childress' store; and to provide penalties for the violation of this act.

Was read a third time, at length and passed.

Yeas, 64; nays, 1.

## Yeas:

## Messrs:—

Speaker	Hollis (Walker)	Mulkey
Acker	Hood	McCurdy
Arnold	Jackson	McDonald
Barnard	Jenkins (Baldwin)	Nicholson
Bell (Autauga)	Johnson (Clarke)	O'Neill
Bell (Pickens)	Jones	Overton
Brindley	Judge	Pegram
Boswell	Kilburn	Popwell
Brown (Pike)	Knight	Preston
Brown (Tuscaloosa)	Lane	Pruett
Burton	Lavender	Quinn
Bush	Lawson	Roberson
Butt	Lee	Rylance
Carroll	Letson	Strickland
Chamberlain	Lloyd	Stollenwerck
Cranford	Lumpkin	Sullivan
Eastis	Martin (Calhoun)	Waits
Edmonds	Martin (Jackson)	Wheless
Flanagan	Mathews	Wilhite
Gewin	Merritt	Williams
Greene	Milner	Wright
Helms		

—64

## Nays:

Mr. Waddell.

—1

S. 224. To ratify, confirm, and validate the census of the cities and towns in the State of Alabama, of seven thousand, and less, where the same has been taken as provided by the code of Alabama, of 1907, and the report of the same filed in the office of the secretary of State.

Was read a third time, at length and passed.

Yeas, 64; nays, 0.

## Yeas:

## Messrs:—

Speaker	Barnard	Brindley
Acker	Bell (Autauga)	Boswell
Arnold	Bell (Pickens)	Brown (Pike)

Brown (Tuscaloosa)	Judge	Nicholson
Burton	Kilburn	Overton
Bush	Knight	Pegram
Butt	Lane	Popwell
Carroll	Lavender	Preston
Chamberlain	Lawson	Pruett
Cranford	Lee	Quinn
Eastis	Letson	Richeson
Edmonds	Lloyd	Rylance
Flanagan	Lumpkin	Strickland
Gewin	Martin (Calhoun)	Stollenwerck
Greene	Martin (Jackson)	Sullivan
Helms	Mathews	Waddell
Hollis (Walker)	Merritt	Waits
Hood	Milner	Wheless
Jackson	Mulkey	Willhite
Jenkins (Baldwin)	McCurdy	Williams
Johnson (Clarke)	McDonald	Wright
Jones		

—64

S. 164. To provide for the appointment of an official bailiff for the city and circuit courts for the county of Montgomery, and to prescribe his duties, to fix his compensation, and to provide for the payment of the same.

Was read a third time, at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs:—

Speaker	Butt	Hood
Acker	Carroll	Jackson
Arnold	Chamberlain	Jenkins (Baldwin)
Barnard	Cranford	Johnson (Clarke)
Bell (Autauga)	Eastis	Jones
Brindley	Edmonds	Judge
Boswell	Flanagan	Kilburn
Brown (Pike)	Gewin	Knight
Brown (Tuscaloosa)	Greene	Lane
Burton	Helms	Lavender
Bush	Hollis (Walker)	Lawson

Lee	McDonald	Rylance
Letson	Nicholson	Strickland
Lloyd	O'Neill	Stollenwerck
Lumpkin	Overton	Sullivan
Martin (Calhoun)	Pegram	Waddell
Martin (Jackson)	Popwell	Waits
Mathews	Preston	Wheeless
Merritt	Pruett	Wilhite
Milner	Quinn	Williams
Mulkey	Roberson	Wright
McCurdy		

—64

H. 502. To authorize and direct the Commissioners' Court of Calhoun County to draw, or cause to be drawn a warrant on the County Treasurer of Calhoun County in favor of Walter Dean for the sum of Five Hundred Nine and 28/100 Dollars, in payment of the interest on money borrowed by Calhoun County from the said Walter Dean, and to authorize and direct the payment of said warrant by the County Treasurer of Calhoun County out of the general funds of said County.

Was read a third time, at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs:—

Speaker	Cranford	Knight
Acker	Eastis	Lane
Arnold	Edmonds	Lavender
Barnard	Flanagan	Lawson
Bell (Autauga)	Gewin	Lee
Bell (Pickens)	Greene	Letson
Brindley	Helms	Lloyd
Boswell	Hollis (Walker)	Lumpkin
Brown (Pike)	Hood	Martin (Calhoun)
Brown (Tuscaloosa)	Jackson	Martin (Jackson)
Burton	Jenkins (Baldwin)	Mathews
Bush	Johnson (Clarke)	Merritt
Butt	Jones	Milner
Carroll	Judge	McCurdy
Chamberlain	Kilburn	McDonald

Nicholson	Quinn	Waddell
O'Neill	Richeson	Waits
Overton	Rylance	Wheeless
Pegram	Strickland	Wilhite
Popwell	Stollenwerck	Williams
Preston	Sullivan	Wright
Pruett		

—64

H. 541. To establish a board of revenue for Covington county.

Was read a third time, at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs:—

Speaker	Helms	Milner
Avery	Hollis (Walker)	Mulkey
Arnold	Hood	McCurdy
Barnard	Jackson	McDonald
Bell (Autauga)	Jenkins (Baldwin)	Nicholson
Bell (Pickens)	Johnson (Clarke)	O'Neill
Brindley	Jones	Overton
Boswell	Judge	Pegram
Brown (Pike)	Kilburn	Popwell
Brown (Tuscaloosa)	Knight	Preston
Burton	Lane	Pruett
Bush	Lavender	Quinn
Butt	Lawson	Richeson
Carroll	Lee	Rylance
Chamberlain	Letson	Strickland
Cranford	Lloyd	Stollenwerck
Eastis	Lumpkin	Sullivan
Edmonds	Martin (Calhoun)	Waddell
Flanagan	Martin (Jackson)	Wheeless
Gewin	Mathews	Wilhite
Greene	Merritt	Williams
		Wright

—64

H. 621. In aid of the public school system of Mobile county under the administration of the board known as the Mobile school commissioners.

Was read a third time, at length and passed.  
Yeas, 64; nays, 0.

Yeas:

Messrs:—

Speaker	Hollis (Walker)	Mulkey
Acker	Hood	McCurdy
Arnold	Jackson	McDonald
Barnard	Jenkins (Baldwin)	Nicholson
Bell (Autauga)	Johnson (Clarke)	O'Neill
Bell (Pickens)	Jones	Overton
Brindley	Judge	Pegram
Boswell	Kilburn	Popwell
Brown (Pike)	Knight	Preston
Brown (Tuscaloosa)	Lane	Pruett
Burton	Lavender	Quinn
Bush	Lawson	Richeson
Butt	Lee	Rylance
Carroll	Letson	Strickland
Chamberlain	Lloyd	Stollenwerck
Cranford	Lumpkin	Sullivan
Eastis	Martin (Calhoun)	Waddell
Edmonds	Martin (Jackson)	Wheeless
Flanagan	Mathews	Wilhite
Gewin	Merritt	Williams
Greene	Milner	Wright
Helms		

—64

S. 298. To regulate the practice in the circuit court of Cleburne county.

Was read a third time, at length and passed.  
Yeas, 64; nays, 0.

Yeas:

Messrs:—

Speaker	Brindley	Butt
Avery	Boswell	Carroll
Arnold	Brown (Pike)	Chamberlain
Barnard	Brown (Tuscaloosa)	Cranford
Bell (Autauga)	Burton	Eastis
Bell (Pickens)	Bush	Edmonds

Flanagan	Lee	Pegram
Gewin	Letson	Popwell
Greene	Lloyd	Preston
Helms	Lumpkin	Pruett
Hollis (Walker)	Martin (Calhoun)	Quinn
Hood	Martin (Jackson)	Richeson
Jackson	Mathews	Rylance
Jenkins (Baldwin)	Merritt	Strickland
Johnson (Clarke)	Milner	Stollenwerck
Jones	Mulkey	Sullivan
Judge	McCurdy	Waddell
Kilburn	McDonald	Wheless
Knight	Nicholson	Wilhite
Lane	O'Neill	Williams
Lavender	Overton	Wright
Lawson		

—64

H. 433. To detach Washington county from the thirteenth judicial circuit and to attach it to the first judicial circuit of Alabama, and to fix the times of holding the terms of the circuit court for said county.

Was taken up.

The question was upon the adoption of the amendment reported by the standing committee on Revision of Laws, said amendment being as follows:

Amend House bill 433, by striking out section 3 of said bill and inserting in lieu thereof, the following:

Sec. 3. Be it further enacted by the Legislature of Alabama, That two terms of the circuit court shall be held in and for said county of Washington in each year, at the county site thereof the spring term shall commence on the third Monday in February and the fall term shall commence on the third Monday in October, and each term may continue two weeks.

And the amendment was adopted.

Yeas, 64; nays, 0.

Yeas:

Messrs:—

Speaker

Acker

Arnold

Barnard

Bell (Autauga)

Bell (Pickens)

Brindley

Boswell

Brown (Pike)

Brown (Tuscaloosa)	Judge	Nicholson
Burton	Kilburn	O'Neill
Bush	Knight	Overton
Butt	Lane	Pegram
Carroll	Lavender	Popwell
Chamberlain	Lawson	Preston
Cranford	Lee	Pruett
Eastis	Letson	Quin
Edmonds	Lloyd	Richeson
Flanagan	Lumpkin	Rylance
Gewin	Martin (Calhoun)	Strickland
Greene	Martin (Jackson)	Stollenwerck
Helms	Mathews	Sullivan
Hollis (Walker)	Merritt	Waddell
Hood	Milner	Wheless
Jackson	Mulkey	Wilhite
Jenkins (Baldwin)	McCurdy	Williams
Johnson (Clarke)	McDonald	Wright
Jones		

—64

And the bill:

H. 433. To detach Washington county from the thirteenth judicial circuit and to attach it to the first judicial circuit of Alabama, and to fix the times of holding the terms of the circuit court for said county.

As amended was read a third time, at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs:—

Speaker	Burton	Greene
Acker	Bush	Helms
Arnold	Butt	Hollis (Walker)
Barnard	Carroll	Hood
Bell (Autauga)	Chamberlain	Jackson
Bell (Pickens)	Cranford	Jenkins (Baldwin)
Brindley	Eastis	Johnson (Clarke)
Boswell	Edmonds	Jones
Brown (Pike)	Flanagan	Judge
Brown (Tuscaloosa)	Gewin	Kilburn



Knight	Milner	Quin
Lane	Mulkey	Richeson
Lavender	McCurdy	Rylance
Lawson	McDonald	Strickland
Lee	Nicholson	Stollenwerck
Letson	O'Neill	Sullivan
Lloyd	Overton	Waddell
Lumpkin	Pegram	Wheless
Martin (Calhoun)	Popwell	Wilhite
Martin (Jackson)	Preston	Williams
Mathews	Pruett	Wright
Merritt		

—64

H. 429. To prevent the catching of fish from Alabama waters for commercial purposes by non-residents of Alabama.

Was read a third time at length and passed.

Yeas, 64; nays, 2.

#### Yeas:

Messrs:—

Speaker	Gewin	Martin (Calhoun)
Acker	Greene	Martin (Jackson)
Arnold	Helms	Mathews
Barnard	Hollis (Walker)	Merritt
Bell (Autauga)	Hood	Milner
Bell (Pickens)	Jackson	Mulkey
Brindley	Jenkins (Baldwin)	McCurdy
Boswell	Johnson (Clarke)	McDonald
Brown (Pike)	Jones	Nicholson
Brown (Tuscaloosa)	Judge	O'Neill
Burton	Kilburn	Overton
Bush	Knight	Pegram
Butt	Lane	Popwell
Carroll	Lavender	Preston
Chamberlain	Lawson	Pruett
Cranford	Lee	Quin
Eastis	Letson	Richeson
Edmonds	Lloyd	Rylance
Flanagan	Lumpkin	Strickland

Stollenwerck  
Sullivan  
Waddell

Wheeless  
Wilhite

Williams  
Wright

—64

Nays:

Messrs:—

Letson

Richeson

—2

H. 732. To amend section 3231 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs:—

Speaker

Hollis (Walker)

Mulkey

Acker

Hood

McCurdy

Arnold

Jackson

McDonald

Barnard

Jenkins (Baldwin)

Nicholson

Bell (Autauga)

Johnson (Clarke)

O'Neill

Bell (Pickens)

Jones

Overton

Brindley

Judge

Pegram

Boswell

Kilburn

Popwell

Brown (Pike)

Knight

Preston

Brown (Tuscaloosa)

Lane

Pruett

Burton

Lavender

Quinn

Bush

Lawson

Richeson

Butt

Lee

Rylance

Carroll

Letson

Strickland

Chamberlain

Lloyd

Stollenwerck

Cranford

Lumpkin

Sullivan

Eastis

Martin (Calhoun)

Waddell

Edmonds

Martin (Jackson)

Wheeless

Flanagan

Mathews

Wilhite

Gewin

Merritt

Williams

Greene

Milner

Wright

Helms

—64

H. 705. To provide for and regulate the purchase of books, printing, stationery, material and supplies for

the officers of Mobile county, the cost of which is now or may hereafter be made, a charge upon said county.

Was read a third time at length and passed.

Yeas, 64; nays, 0.

### Yeas:

Messrs:—

Speaker	Hollis (Walker)	Mulkey
Acker	Hood	McCurdy
Arnold	Jackson	McDonald
Barnard	Jenkins (Baldwin)	Nicholson
Bell (Autauga)	Johnson (Clarke)	O'Neill
Bell (Pickens)	Jones	Overton
Brindley	Judge	Pegram
Boswell	Kilburn	Popwell
Brown (Pike)	Knight	Preston
Brown (Tuscaloosa)	Lane	Pruett
Barton	Lavender	Quinn
Bush	Lawson	Richeson
Butt	Lee	Rylance
Carroll	Letson	Strickland
Chamberlain	Lloyd	Stollenwerck
Cranford	Lumpkin	Sullivan
Eastis	Martin (Calhoun)	Waddell
Edmonds	Martin (Jackson)	Wheless
Flanagan	Mathews	Wilhite
Gewin	Merritt	Williams
Greene	Milner	Wright
Helms		

—64

H. 626. To allow the clerk of the circuit court of St. Clair county, one assistant during the days of the circuit court is in session at Ashville and at Pell City, to define his duties, fix his compensation and to repeal conflicting laws.

Was read a third time at length and passed.

Yeas, 64; nays, 0.

## Yeas:

## Messrs:—

Barnard	Hollis (Walker)	Mulkey
Acker	Hood	McCurdy
Arnold	Jackson	McDonald
Barnard	Jenkins (Baldwin)	Nicholson
Bell (Autauga)	Johnson (Clarke)	O'Neill
Bell (Pickens)	Jones	Overton
Brindley	Judge	Pegram
Boswell	Kilburn	Popwell
Brown (Pike)	Knight	Preston
Brown (Tuscaloosa)	Lane	Pruett
Burton	Lavender	Quin
Bush	Lawson	Richeson
Butt	Lee	Rylance
Carroll	Letson	Strickland
Chamberlain	Lloyd	Stollenwerck
Cranford	Lumpkin	Sullivan
Eastis	Martin (Calhoun)	Waddell
Edmonds	Martin (Jackson)	Wheless
Flanagan	Mathews	Wilhite
Gewin	Merritt	Williams
Greene	Milner	Wright
Helms		

—64

H. 623. To authorize and empower the City of Mobile and the County of Mobile to make appropriations from funds in their respective Treasuries to be paid to the Mobile School Commissioners for the erection and equipment of a public high school building and other public school buildings in the City of Mobile and County of Mobile.

Was read a third time at length and passed.

Yeas, 64; nays, 0.

## Yeas:

## Messrs:—

Speaker	Bell (Autauga)	Brown (Pike)
Acker	Bell (Pickens)	Brown (Tuscaloosa)
Arnold	Brindley	Burton
Barnard	Boswell	Bush

Butt	Knight	O'Neill
Carroll	Lane	Overton
Chamberlain	Lavender	Pegram
Cranford	Lawson	Popwell
Eastis	Lee	Preston
Edmonds	Letson	Pruett
Flanagan	Lloyd	Quinn
Gewin	Lumpkin	Richeson
Greene	Martin (Calhoun)	Rylance
Helms	Martin (Jackson)	Strickland
Hollis (Walker)	Mathews	Stollenwerck
Hood	Merritt	Sullivan
Jackson	Milner	Waddell
Jenkins (Baldwin)	Mulkey	Wheless
Johnson (Clarke)	McCurdy	Wilhite
Jones	McDonald	Williams
Judge	Nicholson	Wright
Kilburn		

H. 619. To amend section 1357 of the code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs:—

Speaker	Chamberlain	Judge
Acker	Cranford	Kilburn
Arnold	Eastis	Knight
Barnard	Edmonds	Lane
Bell (Autauga)	Flanagan	Lavender
Bell (Pickens)	Gewin	Lawson
Brindley	Greene	Lee
Boswell	Helms	Letson
Brown (Pike)	Hollis (Walker)	Lloyd
Brown (Tuscaloosa)	Hood	Lumpkin
Burton	Jackson	Martin (Calhoun)
Bush	Jenkins (Baldwin)	Martin (Jackson)
Butt	Johnson (Clarke)	Mathews
Carroll	Jones	Merritt

Milner	Popwell	Stollenwerck
Mulkey	Preston	Sullivan
McCurdy	Pruett	Waddell
McDonald	Quin	Wheeless
Nicholson	Richeson	Wilhite
O'Neill	Rylance	Williams
Overton	Strickland	Wright
Pegram		

—64

S. 341: To provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government.

Was read a third time at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs:—

Speaker	Brown (Pike)	Eastis
Acker	Brown (Tuscaroosa)	Edmonds
Arnold	Burton	Flanagan
Barnard	Bush	Gewin
Bell (Autauga)	Butt	Greene
Bell (Pickens)	Carroll	Helmis
Brindley	Chamberlain	Hollis (Walker)
Boswell	Cranford	Hood

Jackson	Martin (Calhoun)	Preston
Jenkins (Baldwin)	Martin (Jackson)	Pruett
Johnson (Clarke)	Mathews	Quinn
Jones	Merritt	Richeson
Judge	Milner	Rylance
Kilburn	Mulkey	Strickland
Knight	McCurdy	Stollenwerck
Lane	McDonald	Sullivan
Lavender	Nicholson	Waddell
Lawson	O'Neill	Wheless
Lee	Overton	Wilhite
Letson	Pegram	Williams
Lloyd	Popwell	Wright
Lumpkin		

—64

H. 693. To dissolve the corporate existence of the town of Coal City, Alabama.

Was read a third time at length and passed.

Yeas, 64; nays, 0.

#### Yeas:

Messrs :—

Speaker	Gewin	Martin (Calhoun)
Arnold	Greene	Martin (Jackson)
Avery	Helms	Mathews
Barnard	Hollis (Walker)	Merritt
Bell (Autauga)	Hood	Milner
Bell (Pickens)	Jackson	Mulkey
Brindley	Jenkins (Baldwin)	McCurdy
Boswell	Johnson (Clarke)	McDonald
Brown (Pike)	Jones	Nicholson
Brown (Tuscaloosa)	Judge	O'Neill
Burton	Kilburn	Overton
Bush	Knight	Pegram
Butt	Lane	Popwell
Carroll	Lavender	Preston
Chamberlain	Lawson	Pruett
Cranford	Lee	Quinn
Eastis	Letson	Richeson
Edmonds	Lloyd	Rylance
Flanagan	Lumpkin	Strickland

Stollenwerck	Wheeless	Williams
Sullivan	Wilhite	Wright
Waddell		

—64

S. 336. For the relief of Mrs. Prasby Hodges of Henry county, Alabama.

Was read a third time at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs:—

Speaker	Hollis (Walker)	Mulkey
Acker	Hood	McCurdy
Arnold	Jackson	McDonald
Barnard	Jenkins (Baldwin)	Nicholson
Bell (Autauga)	Johnson (Clarke)	O'Neill
Bell (Pickens)	Jones	Overton
Brindley	Judge	Pegram
Boswell	Kilburn	Popwell
Brown (Pike)	Knight	Preston
Brown (Tuscaloosa)	Lane	Pruett
Burton	Lavender	Quinn
Bush	Lawson	Richeson
Butt	Lee	Rylance
Carroll	Letson	Strickland
Chamberlain	Lloyd	Stollenwerck
Cranford	Lumpkin	Sullivan
Eastis	Martin (Calhoun)	Waddell
Edmonds	Martin (Jackson)	Wheeless
Flanagan	Mathews	Wilhite
Gewin	Merritt	Williams
Greene	Milner	Wright
Helms		

—64

H. 582. To alter, to re-arrange the boundaries of the town of Athens, Limestone county, Alabama.

Was read a third time at length and passed.

Yeas, 54; nays, 0.



Yeas:

Messrs:—

Speaker	Greene	Overton
Acker	Helms	Pharr
Bell (Autauga)	Hood	Preston
Bell (Pickens)	Jenkins (Baldwin)	Pruett
Brindley	Johnson (Clarke)	Quinn
Boswell	Johnson (Marshall)	Richeson
Brown (Pike)	Kilburn	Roberson
Brown (Tuscaloosa)	Knight	Rylance
Burton	Lavender	Strickland
Bush	Lawson	Sullivan
Butt	Lee	Waddell
Capps	Letson	Waits
Carroll	Lloyd	Walden
Chamberlain	Martin (Jackson)	Whately
Cranford	Mathews	Wheless
Edmonds	Merritt	Wilhite
Flanagan	Milner	Williams
Gewin	McCurdy	Wright

—54

S. 314. To define the corporate limits of the town of Ariton, Dale county, Alabama.

Was read a third time, at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs:—

Speaker	Butt	Jackson
Acker	Carroll	Jenkins (Baldwin)
Arnold	Chamberlain	Johnson (Clarke)
Barnard	Cranford	Jones
Bell (Autauga)	Eastis	Judge
Bell (Pickens)	Edmonds	Kilburn
Brindley	Flanagan	Knight
Boswell	Gewin	Lane
Brown (Pike)	Greene	Lavender
Brown (Tuscaloosa)	Helms	Lawson
Burtor	Hollis (Walker)	Lee
Bush	Hood	Letson

Lloyd	Nicholson	Rylance
Tumpkin	O'Neill	Strickland
Martin (Calhoun)	Overton	Stollenwerck
Martin (Jackson)	Pegram	Sullivan
Mathews	Popwell	Waddell
Merritt	Preston	Wheless
Milner	Pruett	Willhite
Mulkey	Quinn	Williams
McCurdy	Richeson	Wright
McDonald		

—64

H. 534. To confer additional jurisdiction upon the county court of Winston county, Alabama, and to regulate the proceedings therein, and to provide for the appointment of a solicitor.

Was taken up.

Mr. Cranford offered the following amendment to the bill:

Amend by striking out of the caption of the bill, the words "and provide for the appointment of a solicitor."

And amend section 10, so as to read as follows: The deputy solicitor for Winston county shall prosecute for the State all cases now or hereafter pending in said court and shall receive the same fees now provided by law for convictions in misdemeanor cases, to be collected and paid as provided by law.

Amend section 15, by striking therefrom, the words "and shall be appointed by the governor for a period of four years."

And the amendment was adopted.

Yeas, 53; nays, 0.

Yeas:

Messrs:—

Speaker	Bush	Edmonds
Acker	Butt	Flanagan
Arnold	Capps	Gewin
Bell (Pickens)	Carroll	Greene
Boswell	Chamberlain	Helms
Brown (Pike)	Cranford	Hood
Burton	Eastis	James

Jenkins (Baldwin)	Merritt	Richeson
Johnson (Clarke)	Milner	Rylance
Johnson (Marshall)	Molton	Strickland
Kilburn	McCurdy	Stollenwerck
Knight	McDonald	Waddell
Lawson	Overton	Waits
Lee	Pharr	Whatley
Letson	Popwell	Wheless
Lloyd	Preston	Williams
Lumpkin	Pruett	Wright
Martin (Jackson)	Quinn	

—53

And the bill:

H. 534. To confer additional jurisdiction upon the county court of Winston county, Alabama, and to regulate the proceedings therein, and to provide for the appointment of a solicitor.

As amended was read a third time at length and passed.

Yeas, 55; nays, 0.

Yeas:

Messrs:—

Speaker	Hood	Overton
Acker	Huddleston	Pharr
Arnold	James	Popwell
Barnard	Jenkins (Baldwin)	Preston
Bell (Pickens)	Johnson (Marshall)	Pruett
Boswell	Kilburn	Quinn
Brown (Pike)	Knight	Richeson
Burton	Lawson	Rylance
Bush	Lee	Strickland
Carroll	Letson	Stollenwerck
Chamberlain	Lloyd	Sullivan
Cranford	Lumpkin	Waddell
Eastis	Martin (Jackson)	Waits
Edmonds	Mathews	Whatley
Flanagan	Merritt	Wheless
Gewin	Milner	Wilbite
Greene	McCurdy	Williams
Helms	McDonald	Wright
Hollis (Walker)	O'Neill	

—55

H. 701. To repeal an act entitled an act to amend an act to provide for the better construction, repairing, and maintaining the public roads and bridges in Franklin county, approved July 31st, 1907, approved August 20th, 1909.

Was read a third time, at length and passed.

Yeas, 61; nays, 0.

**Yeas:**

Messrs:—

Speaker	Hollis (Walker)	O'Neill
Acker	Hood	Overton
Arnold	Jackson	Percy
Barnard	James	Popwell
Bell (Pickens)	Jenkins (Baldwin)	Preston
Brindley	Johnson (Clarke)	Pruett
Boswell	Johnson (Marshall)	Quinn
Brown (Pike)	Kilburn	Richeson
Brown (Tuscaloosa)	Knight	Rylance
Burton	Lawson	Strickland
Bush	Lee	Stollenwerck
Butt	Letson	Sullivan
Capps	Lumpkin	Waddell
Chamberlain	Martin (Calhoun)	Waites
Cranford	Martin (Jackson)	Walden
Edmonds	Mathews	Whatley
Flanagan	Merritt	Wheeless
Gewin	Milner	Wilhite
Greene	Molton	Williams
Helms	McCurdy	Wright
	McDonald	

—61

H. 700. To repeal an act entitled an act to provide for the better construction, repairing, working and maintaining the public roads and bridges in Franklin county, Alabama," approved July 31st, 1907.

Was read a third time at length and passed.

Yeas, 61 nays, 0.

## Yeas:

Messrs:—

Speaker	Hood	O'Neill
Acker	Jackson	Overton
Arnold	James	Percy
Barnard	Jenkins (Baldwin)	Popwell
Bell (Pickens)	Johnson (Clarke)	Preston
Brindley	Johnson (Marshall)	Pratt
Brown (Pike)	Kilburn	Quin
Brown (Tuscaloosa)	Knight	Richeson
Burton	Lawson	Rylance
Bush	Lee	Strickland
Butt	Letson	Stollenwerck
Capps	Lumpkin	Sullivan
Chamberlain	Martin (Calhoun)	Waddell
Cranford	Martin (Jackson)	Waits
Edmonds	Mathews	Walden
Flanagan	Merritt	Whatley
Gewin	Milner	Wheless
Greene	Molton	Wilhite
Helms	McCurdy	Williams
Hollis (Walker)	McDonald	Wright

—61

S. 331. To authorize and empower the judges of the several law and equity courts in this State established by the present session of the Legislature of Alabama, or that may hereafter be created, to set down for trial any cause pending in said court; and to repeal any and all local laws to the contrary.

Was read a third time at length and passed.

Yeas, 61; nays, 0.

## Yeas:

Messrs:—

Speaker	Boswell	Capps
Acker	Brown (Pike)	Chamberlain
Arnold	Brown (Tuscaloosa)	Cranford
Barnard	Burton	Edmonds
Bell (Pickens)	Bush	Flanagan
Brindley	Butt	Gewin

Greene	Martin (Calhoun)	Quin
Helms	Martin (Jackson)	Richeson
Hollis (Walker)	Mathews	Rylance
Hood	Merritt	Strickland
Jackson	Milner	Stollenwerck
James	Molton	Sullivan
Jenkins (Baldwin)	McCurdy	Waddell
Johnson (Clarke)	McDonald	Waits
Johnson (Marshall)	O'Neill	Walden
Kilburn	Overton	Whatley
Knight	Percy	Wheless
Lawson	Popwell	Wilhite
Lee	Preston	Williams
Letson	Pruett	Wright
Lumpkin		

—61

H. 622. To authorize the board known as the Mobile school commissioners to become indebted in anticipation of income, for maintenance and operation of schools in Mobile county.

Was read a third time at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs:—

Speaker	Cranford	Lane
Acker	Eastis	Lavender
Arnold	Edmonds	Lawson
Barnard	Flanagan	Lee
Bell (Autauga)	Gewin	Letson
Bell (Pickens)	Greene	Lloyd
Brindley	Helms	Lumpkin
Boswell	Hollis (Walker)	Martin (Calhoun)
Brown (Pike)	Hood	Martin (Jackson)
Brown (Tuscaloosa)	Jackson	Mathews
Burton	Jenkins (Baldwin)	Merritt
Bush	Johnson (Clarke)	Milner
Butt	Jones	Mulkey
Carroll	Judge	McCurdy
Chamberlain	Kilburn	McDonald
	Knight	Nicholson

O'Neill	Quinn	Waits
Overton	Richeson	Wheless
Pegram	Rylance	Wilhite
Popwell	Strickland	Williams
Preston	Sullivan	Wright
Pruett	Waddell	

—64

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H. 700. To provide for the more efficient working of the public roads in Mobile county, and certain streets and public thoroughfares in the city of Mobile; provide for the control, working, building, maintenance and improvement of the same by the board of revenue and road commissioners of Mobile county; to prescribe the duties and fix the authority of said board; provide for the levy and collection of a road tax, and the method of disbursing monies necessary to carry out the provisions of this act and provide penalties for violations of its provisions, approved August 2nd, 1907.

Was read a third time at length and passed.

Yeas, 61; nays, 0.

#### Yeas:

##### Messrs:—

Speaker	Gewin	Martin (Jackson)
Acker	Greene	Mathews
Arnold	Helms	Merritt
Barnard	Hollis (Walker)	Milner
Bell (Pickens)	Hood	Molton
Brindley	Jackson	McCurdy
Boswell	James	McDonald
Brown (Pike)	Jenkins (Baldwin)	O'Neill
Brown (Tuscaloosa)	Johnson (Clarke)	Overton
Burton	Johnson (Marshall)	Percy
Bush	Kilburn	Popwell
Butt	Knight	Preston
Capps	Lawson	Pruett
Chamberlain	Lee	Quinn
Cranford	Letson	Richeson
Edmonds	Lumpkin	Rylance
Flanagan	Martin (Calhoun)	Strickland

Stollenwerck	Walden	Wilhite
Sullivan	Whatley	Williams
Waddell	Wheless	Wright
Waits		

—61

S. 345. To fix the terms of office of the commissioners of Henry county, Alabama.

Was read a third time at length and passed.

Yeas, 54; nays, 0.

Yeas:

Messrs:—

Speaker	Greene	Overton
Acker	Helms	Pharr
Bell (Autauga)	Hood	Preston
Bell (Pickens)	Jenkins (Baldwin)	Pruett
Brindley	Johnson (Clarke)	Quinn
Boswell	Johnson (Marshall)	Richeson
Brown (Pike)	Kilburn	Roberson
Brown (Tuscaloosa)	Knight	Rylance
Burton	Lavender	Strickland
Bush	Lawson	Sullivan
Butt	Lee	Waddell
Capps	Letson	Waits
Carroll	Lloyd	Walden
Chamberlain	Martin (Jackson)	Whatley
Cranford	Mathews	Wheless
Edmonds	Merritt	Wilhite
Flanagan	Milner	Williams
Gewin	McCurdy	Wright

—54

H. 610. To amend section eight hundred and ninety-five (895) of the code of Alabama.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:—

Speaker	Bell (Autauga)	Brown (Pike)
Acker	Brewer	Brown (Tuscaloosa)
Arnold	Brindley	Burton
Barnard	Boswell	Bush



Butt	Knight	Preston
Carroll	Lawson	Pruett
Chamberlain	Lee	Quinn
Edmonds	Letson	Ramsey
Flanagan	Lumpkin	Richeson
Gewin	Martin (Calhoun)	Rylance
Greene	Martin (Jackson)	Strickland
Helms	Mathews	Stollenwerk
Hollis (Walker)	Merritt	Sullivan
Hood	Milner	Waddell
Jackson	Molton	Waits
James	McCurdy	Walden
Jenkins (Baldwin)	McDonald	Wailes
Johnson (Clarke)	O'Neill	Whatley
Johnson (Marshall)	Overton	Wheelless
Kilburn	Popwell	Williams

—60

H. 680. To authorize the board of revenue of Jefferson county to apply a portion of the sanitary fund raised by taxation to certain construction work.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:—

Speaker	Edmonds	Lee
Acker	Flanagan	Letson
Arnold	Gewin	Lumpkin
Barnard	Greene	Martin (Calhoun)
Bell (Autauga)	Helms	Martin (Jackson)
Brewer	Hollis (Walker)	Mathews
Brindley	Hood	Merritt
Boswell	Jackson	Milner
Brown (Pike)	James	Molton
Brown (Tuscaloosa)	Jenkins (Baldwin)	McCurdy
Burton	Johnson (Clarke)	McDonald
Bush	Johnson (Marshall)	O'Neill
Butt	Kilburn	Overton
Carroll	Knight	Popwell
Chamberlain	Lawson	Preston

Pruett	Strickland	Walden
Quinn	Stollenwerck	Walker
Ramsey	Sullivan	Whatley
Richeson	Waddell	Wheless
Rylance	Waits	Williams

—60

H. 593. For the relief of Andrew Gray of Jefferson county, Alabama, and to authorize and direct the treasurer of Jefferson county, Alabama, to pay to said Andrew Gray or his attorney of record the sum of two hundred and sixty-three dollars and ninety-four cents (\$263.94) earned by the said Gray while wrongfully working as a convict at hard labor for Jefferson county, Alabama.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:—

Speaker	Hollis (Walker)	McDonald
Acker	Hood	O'Neill
Arnold	Jackson	Overton
Barnard	James	Popwell
Bell (Autauga)	Jenkins (Baldwin)	Preston
Brewer	Johnson (Clarke)	Pruett
Brindley	Johnson (Marshall)	Quin
Boswell	Kilburn	Ramsey
Brown (Pike)	Knight	Richeson
Brown (Tuscaloosa)	Lawson	Rylance
Burton	Lee	Strickland
Bush	Letson	Stollenwerck
Butt	Lumpkin	Sullivan
Carroll	Martin (Calhoun)	Waddell
Chamberlain	Martin (Jackson)	Waits
Edmonds	Mathews	Walden
Flanagan	Merritt	Walker
Gewin	Milner	Whatley
Greene	Molton	Wheless
Helms	McCurdy	Williams

—60

H. 441. To empower cities of over one hundred thousand inhabitants to acquire or build, own and operate

their own water works and electric light plants, and to take all the necessary steps to those ends.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:—

Speaker	Hollis (Walker)	McDonald
Acker	Hood	O'Neill
Arnold	Jackson	Overton
Barnard	James	Popwell
Bell (Autauga)	Jenkins (Baldwin)	Preston
Brewer	Johnson (Clarke)	Pruett
Brindley	Johnson (Marshall)	Quinn
Boswell	Kilburn	Ramsey
Brown (Pike)	Knight	Richeson
Brown (Tuscaloosa)	Lawson	Rylance
Burton	Lee	Strickland
Bush	Letson	Stollenwerck
Butt	Lumpkin	Sullivan
Carroll	Martin (Calhoun)	Waddell
Chamberlain	Martin (Jackson)	Waites
Edmonds	Mathews	Walden
Flanagan	Merritt	Walker
Gewin	Milner	Whatley
Greene	Molton	Wheeless
Helms	McCurdy	Williams

—60

H. 216. To appropriate \$2,096.06 out of the State treasury in favor of the city of Montgomery for the pavement and improvement on Monroe street extending from Bainbridge street to Union street abutting the property known as the "State Capitol Grounds."

Was read a third time at length and passed.

Yeas, 52; nays, 2.

Yeas:

Messrs:—

Speaker	Boswell	Carroll
Acker	Bush	Chamberlain
Arnold	Butt	Eastis
Barnard	Capps	Edmonds

Gewin	McCurdy	Stollenwerck
Greene	McDonald	Sturdivant
Helms	O'Neill	Sullivan
Jackson	Overton	Thomas
Johnson (Marshall)	Pharr	Twombly
Kilburn	Popwell	Waddell
Knight	Preston	Waites
Lawson	Pruett	Walden
Letson	Richeson	Whatley
Lloyd	Roberson	Wheless
Lumpkin	Rylance	Wilhite
Martin (Jackson)	Smith	Williams
Milner	Strickland	Wright
Molton		

—52

Nays:

Messrs:—

Brown (Pike)                  Jenkins (Bullock)

—2

H. 734. To amend an act entitled an act to re-range and extend the corporate limits of Linden, Marengo county, Alabama, approved Oct. 10th, 1903.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:—

Speaker	Flanagan	Lee
Acker	Gewin	Letson
Barnard	Greene	Lumpkin
Bell (Autauga)	Helms	Martin (Calhoun)
Brewer	Hollis (Walker)	Martin (Jackson)
Brindley	Hood	Mathews
Boswell	Jackson	Merrill
Brown (Pike)	James	Merritt
Brown (Tuscaroosa)	Jenkins (Baldwin)	Milner
Burton	Johnson (Clarke)	Molton
Bush	Johnson (Marshall)	McCurdy
Carroll	Kilburn	McDonald
Chamberlain	Knight	O'Neill
Edmonds	Lawson	Overton

Popwell	Rylance	Waits
Preston	Smith	Walker
Pruett	Strickland	Whatley
Quinn	Stollenwerck	Wheless
Ramsey	Sullivan	Williams
Richeson	Waddell	

—60

H. 482. To amend section 14 of an act entitled an act to provide for the more efficient working and keeping in repair the public roads of Morgan county; and to locate, construct, repair and keep in proper condition within the limits of said county a system of public roads of a superior grade, to be known as "The County Roads of said County."

Was read a third time at length and lost.

Yeas, 17; nays, 37.

Yeas:

Messrs:—

Barnard	Flanagan	McDonald
Brown (Pike)	Gewin	O'Neill
Chamberlain	Hollis (Walker)	Overton
Cranford	Lloyd	Sullivan
Eastis	Mathews	Wilhite
Edmonds		

—17

Nays:

Messrs:—

Speaker	Jenkins (Bullock)	McCurdy
Acker	Johnson (Clarke)	Pharr
Bell (Pickens)	Johnson (Marshall)	Pruett
Brindley	Knight	Rylance
Boswell	Lawson	Smith
Burton	Lee	Stollenwerck
Bush	Letson	Waddell
Butt	Lumpkin	Waits
Capps	Martin (Calhoun)	Walden
Carroll	Martin (Jackson)	Whatley
Greene	Milner	Wheless
Hood	Molton	Williams
Jackson		

—37

H. 658. To appropriate the sum of \$43.10 for the year of 1910 to Mary Snow, the widow of James Snow, an ex-Confederate soldier, as a Confederate pensioner for said year, her name having been erroneously omitted from the list of pensioners for that year.

Was read a third time at length and passed.

Yeas, 59; nays, 0.

Yeas:

Messrs:—

Speaker	Helms	Nicholson
Acker	Hollis (Choctaw)	O'Neill
Avery	Hollis (Walker)	Pitts
Barnard	Huddleston	Popwell
Pell (Pickens)	Jackson	Preston
Brewer	James	Pruett
Brindley	Johnson (Clarke)	Quinn
Boswell	Johnson (Marshall)	Rice
Brown (Pike)	Judge	Roberson
Brown (Tuscaloosa)	Kilburn	Smith
Burton	Lawler	Strickland
Bush	Lee	Sullivan
Butt	Letson	Twombly
Capps	Martin (Calhoun)	Waddell
Carroll	Mathews	Waits
Edmonds	Merrill	Walden
Flanagan	Merritt	Walker
Fuquay	Milner	Whatley
Gewin	Mulkey	Wilhite
Greene	McCurdy	

—59

H. 659. To appropriate the sum of \$43.10 for the year 1910 to Mrs. M. M. Wise, the widow of T. B. Wise, an ex-Confederate soldier, as a Confederate pensioner for said year, her name having been erroneously omitted from the list of pensioners for that year.

Was read a third time at length and passed.

Yeas, 59; nays, 0.

## Yeas:

Messrs:—

Speaker	Hood	O'Neill
Acker	Jackson	Overton
Arnold	James	Popwell
Barnard	Jenkins (Baldwin)	Preston
Bell (Pickens)	Johnson (Clarke)	Pruett
Brindley	Johnson (Marshall)	Quinn
Brown (Pike)	Kilburn	Richeson
Brown (Tuscaloosa)	Knight	Rylance
Burton	Lawson	Strickland
Bush	Lee	Stollenwerck
Butt	Letson	Sullivan
Capps	Lumpkin	Waddell
Chamberlain	Martin (Calhoun)	Waites
Cranford	Martin (Jackson)	Walden
Edmonds	Mathews	Whately
Flanagan	Merritt	Wheless
Gewin	Milner	Wilhite
Greene	Molton	Williams
Helms	Mulkey	Wright
Hollis (Walker)	McDonald	

—59

S. 295. To provide that all claims which are payable out of the fine and forfeiture fund of Wilcox county shall, in future, be paid out of the general fund of said county, and to fix the amount or percentage, of said claims which will be so paid, and to regulate the payment of same.

Was read a third time at length and passed.

Yeas, 59; nays, 0.

## Yeas:

Messrs:—

Speaker	Brown (Pike)	Chamberlain
Acker	Brown (Tuscaloosa)	Cranford
Arnold	Burton	Eastis
Barnard	Bush	Edmonds
Bell (Pickens)	Butt	Flanagan
Brindley	Capps	Greene
Boswell	Carroll	Hollis (Walker)

Hood	Mathews	Rylance
James	Merritt	Strickland
Jenkins (Baldwin)	Molton	Stollenwerck
Johnson (Clarke)	Mulkey	Sullivan
Johnson (Marshall)	McLendon	Waddell
Kilburn	O'Neill	Waits
Knight	Overton	Walden
Lawson	Pharr	Whatley
Lee	Popwell	Wheeless
Letson	Preston	Wilhite
Lloyd	Pruett	Williams
Lumpkin	Quinn	Wright
Martin (Jackson)	Richeson	

—59

H. 152. For the relief of Simon Marx, of Tuskegee, Macon county, who has heretofore purchased and now owns a large number of the certificates of State witnesses in cases where parties were indicted by the grand jury but who have not yet been arrested, by making such certificates lawful claims against the fine and forfeiture fund of Macon county, Alabama, providing for the payment of such claims and for the disposition of money thereafter collected on account of such certificates, and to repeal all laws and parts of laws in conflict with this act in so far as the payment of said certificates are concerned.

Was read a third time at length and passed.

Yeas, 59; nays, 0.

Yeas:

Messrs:—

Speaker	Butt	James
Acker	Capps	Jenkins (Baldwin)
Arnold	Carroll	Johnson (Clarke)
Barnard	Chamberlain	Johnson (Marshall)
Bell (Pickens)	Cranford	Kilburn
Brindley	Eastis	Knight
Boswell	Edmonds	Lawson
Brown (Pike)	Flanagan	Lee
Brown (Tuscaloosa)	Greene	Letson
Burton	Hollis (Walker)	Lloyd
Bush	Hood	Lumpkin



Martin (Jackson)	Popwell	Waddell
Mathews	Preston	Waites
Merritt	Pruett	Walden
Molton	Quinn	Whatley
McCurdy	Richeson	Wheless
McLendon	Rylance	Wilhite
O'Neill	Strickland	Williams
Overton	<del>Stollenwerk</del>	Wright
Pharr	Sullivan	

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and passed the following bill:

S. 92. To regulate and define what is known as the filler used in commercial fertilizers, sold and manufactured in Alabama, giving the name of substance in pounds on each bag or package, and provide penalty for the violation of the same.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message was read one time and referred to an appropriate standing committee as follows:

Agriculture, S. 92.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and passed the following bills:

S. 401. To reimburse the governor's contingent fund for the amount expended in improving the capitol and grounds, and pay inauguration expenses.

S. 418. To amend sections 4031 and 4032 of the code of Alabama.

S. 25. To appropriate sixty thousand dollars for the aid of the State normal school at Jacksonville, Alabama.

S. 397. To provide for the location of hospitals, infirmaries, or other places in which sick or wounded persons are to be cared for or treated, and to provide penalties for its violation.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing Senate message were read one time, and referred to appropriate standing committees, as follows:

Appropriations, S. 25, S. 41.

Public Health, S. 397.

Revision of Laws, S. 418.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to:

S. 212. To provide for refunding privilege taxes erroneously collected and to make the necessary appropriation therefor.

J. A. Kyle,  
Secretary.

ADJOURNMENT.

The House adjourned until Friday, March 24th, 1911.

## FORTY-THIRD DAY.

House of Representatives.  
Friday, March 24th, 1911.

The House met pursuant to adjournment.

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## PRAYER.

The session was opened with prayer by the Rev. Mr. Preston, of the House.

## ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

## Messrs:—

Speaker	Fowlkes	Lawson
Avery	Fuquay	Lee
Arnold	Gewin	Letson
Barnard	Greene	Lloyd
Bell (Autauga)	Griffith	Lumpkin
Brewer	Helms	Martin (Calhoun)
Brindley	Hollis (Walker)	Martin (Jackson)
Boswell	Hood	Mastin
Brown (Tuscaloosa)	Horton	Mathews
Burton	Huddleston	Merrill
Bush	Jackson	Merritt
Butt	James	Milner
Capps	Jenkins (Baldwin)	Molton
Carroll	Jenkins (Bullock)	Mulkey
Chamberlain	Johnson (Clarke)	McCurdy
Cranford	Johnson (Marshall)	McDonald
Darden	Judge	McGowen
Dennis	Kilburn	McLendon
Doswell	Knight	O'Neill
Edmonds	Lane	Overton
Flanagan	Lavender	Page
Fletcher	Lawler	Pharr

Pegram	Roberson	Waddell
Percy	Rylance	Waits
Pittman	Sanders	Walden
Pitts	Smith	Walker
Popwell	Strickland	Whatley
Preston	Stollenwerck	Wheless
Pruett	Sturdivant	Wilhite
Quinn	Sullivan	Williams
Ramsey	Thomas	Wright
Rice	Twombly	

—95

A quorum was present.

## JOURNAL.

The chairman of the standing committee on the revision of the Journal, made the following report:

Mr. Speaker:

Your Committee on the revision of the Journal, beg leave to report as follows:

We have examined the Journal for the 42nd day, and find the same to be correct.

J. B. Rylance,  
Chairman.

The report of the committee was concurred in and the Journal for the 42nd day was approved.

## LEAVE OF ABSENCE.

Were granted to Messrs. Jones, Eastis, Avery and Johnson of Elmore, for today.

## BILLS ON SECOND READING.

Mr. Mulkey, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

S. 195. To amend section 1221 of the code of Alabama.

S. 308. To amend subdivision 2 of section 2061 of the code of 1907.

S. 303. To amend section 4480 of the code of Alabama.

S. 128. To amend section 6573 of the code of Alabama of 1907.

~~S. 424. To authorize and direct the probate judge of Autauga county, Alabama, to hold regular terms of the county court of said county for the trial of misdemeanors as provided by article 3 of chapter 198 of the code of Alabama.~~

S. 388. To amend section one of an act to create and establish the Marengo law and equity court for Marengo county.

S. 51. To amend section 1216 of the code of Alabama.

S. 17. To amend section 770 of the code of Alabama of 1907.

S. 89. To amend section 2486 of the code.

S. 159. To amend section 1995 of the code of Alabama, 1907.

H. 770. To fix a penalty for violation by tax collectors of section 2078 of the code of Alabama, 1907.

H. 778. To fix the compensation of sheriffs of Alabama for services rendered by them in the county courts of Alabama.

H. 776. To repeal an act to prohibit and punish unlawfully and knowingly permitting live stock to run at large in stock law districts or territory in which such stock are prohibited to run at large, approved August 19th, 1909, so far as it relates to Sumter county.

S. 418. To amend sections 4031 and 4032 of the code of Alabama.

S. 409. To fix the time for holding courts of record having jurisdiction to determine civil causes at common law, in counties which have a population of two hundred thousand people, or more, according to any federal census which has already been taken, or which may hereafter be taken, and to enlarge the power of such courts to try and determine causes therein.

S. 84. To repeal section 3174 of the code of Alabama.

S. 49. To amend section 4482 of the code of Alabama of 1907.

S. 263. To further prescribe and define the duties of the State prison inspector.

S. 265. To repeal sections 6619, 7196, 7212, 7213, 7214, 7215, 7216, 7217, 7218, 7219, 7220, 7221, and 7222 of the code of Alabama of 1907, and section 20 of an act of the Legislature of Alabama, page 158 of the acts of the special session of the Legislature of Alabama of 1909, and which is the same as section 6447 of the code of Alabama of 1907.

S. 264. To amend sections 8 and 11 of an act of the Legislature of Alabama, entitled "an act to regulate the employment of child labor in certain mills, factories and manufacturing establishments in this State, and to provide for the inspection of the rooms, places and premises wherein they are worked, and to adequately punish violations of this act," approved August 26th, 1909.

S. 294. To ratify, confirm and legalize all acts and orders of the court of county commissioners of Wilcox county, in the payment of road overseers, appointed under the official road law of said county, approved July 25th, 1907; to ratify and legalize the payment of the convict agent appointed by said court; to ratify and legalize the hiring of teams by said overseers appointed under said act; and to legalize the payment of all warrants and orders of said court by the treasurer of said county pertaining to said road law.

S. 215. To amend section 3241 of the 1907 code of Alabama.

S. 271. To amend section 2974 of the code of Alabama.

S. 68. To amend an act to prescribe the qualifications of jurors and regulate the selection, drawing and summoning of jurors, and prescribe the qualifications and provide for the appointment of Jury Commissioners and clerks of said commission and regulate the empanelling of grand and petit juries in all the Courts of this State, which act was approved August 31st, 1909, in so

far as the same shall apply to the Counties which now have a population of forty thousand or less, according to the last Federal census or any Federal census hereafter taken.

Mr. Smith, chairman of the standing committee on Temperance, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 783. To provide for elections in Counties in this State which have a population of as much as one hundred thousand people according to the last Federal census, or which hereafter shall have such population according to any such census that may be taken hereafter to be held to determine whether the manufacture and sale of spirituous, vinous or malt liquors shall be legalized therein, and if legalized, whether the said liquors shall be sold by private dealers under a license or by dispensary or dispensaries and beer buffets and if legalized, to authorize, provide for and regulate the manufacture, sale and other disposition of said liquors, by private dealers under license, by dispensary or by dispensaries, and beer buffets and by social clubs and to provide penalties and punishments for violations of the provisions of this Act, and to provide for and create an Excise Commission where the sale is authorized by private dealers.

H. 782. To amend Section 32 of an Act entitled an Act to further suppress the evils of intemperance, and to secure obedience to and the enforcement of, and to prevent the evasion of, the laws of the State for the promotion of temperance and for the prohibition of the manufacture of and traffic in or unlawful disposition of prohibited liquors and beverages; and to provide for the abatement of liquor nuisances and the seizure and destruction of forfeited liquors and beverages and to prescribe the procedure in such cases, approved August 25th, 1909.

H. 777. To provide for the discontinuance of a Dispensary authorized to be operated by the Town of Athens, Limestone County, Alabama, under an Act entitled

an Act to authorize the town of Athens, Limestone County, Alabama, to establish, maintain and operate a dispensary, whereby it may buy and sell spirituous, vinous and malt liquors, and to regulate and make sufficient the same.

H. 767. To provide for the disposition of prohibited liquors and beverages heretofore or hereafter seized under any legal process.

S. 329. To provide for an election in Elmore county, Alabama, to determine whether or not the incorporated cities and towns in said county, and the cities and towns that may hereafter be incorporated in said county shall be authorized and permitted to operate dispensaries; to fix the time and provide for the manner of holding said election, and in the event a majority of the qualified voters of said county shall vote in favor of authorizing such dispensaries, to authorize and permit the incorporated cities and towns and the cities and towns that may hereafter be incorporated in said county to establish and operate a dispensary or dispensaries for the purpose of buying and selling spirituous, vinous and malt liquors and to provide for the distribution of certain profits arising therefrom, and to further regulate or prohibit the sale of such liquors in said county.

Mr. Bush, chairman of the standing committee on Privileges and Elections, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 766. To establish an inferior civil court in lieu of justices of the peace for all precincts lying within or partly within the city of Mobile.

Mr. McLendon, chairman of the standing committee on Public Health, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 764. To suppress rabies among dogs, to prevent hydrophobia among people and to provide penalties for violation of the provisions of this act.



S. 397. To provide for the location of hospitals, infirmaries, or other places in which sick or wounded persons are to be cared for or treated and to provide penalties for its violation.

Mr. Rice, chairman of the standing committee on Corporations, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 757. To authorize the governor of Alabama to sell a strip for a railroad right of way not exceeding one hundred and twenty-five feet in width across the lands of the eighth district agricultural school, located in Limestone County, Alabama, belonging to the State, and to execute a conveyance therefor to the purchaser in the name of the State, attested by the secretary of State.

H. 756. To authorize the superintendent of education of Alabama, subject to the approval of the governor of Alabama, to sell a strip for a railroad right of way, not exceeding one hundred and twenty-five feet in width, across the west half of the southwest quarter of section sixteen (16), township three (3), south, range four (4), west, being eighty acres of land more or less in limestone county, Alabama, or any portion thereof, and to require the secretary of State to issue a patent to the purchaser upon the payment of the purchase money therefor, and to repeal all laws and parts of laws in conflict with this act, so far as the same apply to the sale of said lands, but no further.

H. 709. To provide for the disposition of the property of Educational corporations whose stockholders are unknown, or where the amount or number of shares are unknown.

S. 319. To make a note or other written security given in this State in the purchase of a patent right, or any interest therein, subject in the hand of any holder or assignee to all the legal and equitable defenses to which it was subject in the hand of the original payee, when the fact that it was given in such purchase appears on its face, and to make it unlawful for any per-

son, either in his own behalf or in a representative capacity, to take or receive for the sale of a patent right, or any interest therein a note or other written security given for such right or any interest therein unless it shall clearly appear upon the face of the note or other security that the same is given in the purchase of a patent right or an interest therein; and to provide penalties for the violations of the provisions hereof.

Mr. Arnold, acting chairman of the standing committee on Education, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

S. 374. To amend section 1780 of the code of 1907.

Mr. Arnold, acting chairman of the standing committee on Education, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment:

S. 161. (With amendment.) To amend subdivision 7 of section 1678 article 1 chapter 41 of the code of 1907.

S. 365. (With amendment.) To amend sections 1861, 1862, and 1863 of the code of Alabama.

Mr. Darden, chairman of the standing committee on Public Roads and Highways, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

S. 349. To provide for the more efficient working of the public roads in Wilcox county; to provide revenues for the same; to define the powers and duties of the county commissioners with reference to same; to provide for the appointment of overseers and sub-overseers, and a civil engineer, defining their duties, and prescribe rules, regulations and penalties in order to carry into effect the purposes of this act.

Mr. Milner, chairman of the standing committee on Local Legislation, reported that said committee in ses-

sion had acted on the following bills and ordered same returned to the House with a favorable report:

H. 768. To amend section 3 of the act to establish a high school for Dale county to be located at Ozark, Alabama, approved August 9th, 1907.

H. 771. To amend section 1726 of the code of 1907 as amended during the special session of 1909 and approved by the governor August 21st, 1909.

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H. 762. To establish an inferior court in the town of Attalla, Alabama, in precinct No. 17 in lieu of all justices of the peace and notaries public with powers of justices of the peace therein, and to define the powers and duties of said court and the judge thereof.

H. 730. To amend section 1 of an act entitled an act to amend section 6 of an act entitled an act to create the office of associate judge of the city court of Gadsden, to provide for the qualification, election and appointment of such judge, to fix the term of office of such judge, to define his duties and powers and to provide for the payment of his salary.

H. 750. To provide for the construction, repairing, working and maintaining the public roads and bridges of Franklin county.

H. 739. To impose a license tax of one dollar a year on each male dog and two dollars a year on each female dog over four months of age in the County of Marengo, State of Alabama, and to provide for the collection of such license tax and to provide that all live stock or poultry killed or injured and all damages done thereto, shall be paid for out of the dog tax fund, and to provide that the surplus left from the dog tax fund on the first day of April of each year shall be paid into the public school fund of said County.

H. 736. To require the court of county commissioners of Crenshaw county, to appropriate funds for the purchase of bloodhounds for the use of said county; to provide a place for the keeping of said bloodhounds and to provide for their maintenance.

H. 733. To vacate certain streets in the town of Marion.

S. 380. To require all persons subject to road duty under the general law of the State to work upon the public dirt roads of Crenshaw County for not less than ten days in each year, or instead thereof to pay the sum of five dollars annually, to fix the time for paying said amount; to require the tax collector to file a list of the persons paying said road tax; to prescribe the manner in which said tax shall be applied to the working of the public roads and providing a penalty for the violation of the said law.

S. 343. To authorize, empower and require the Commissioner's Court, Board of Revenue, or other court of like jurisdiction, of Chilton County, Alabama, to donate or appropriate a sum of money not less than Two Hundred (\$200.00) Dollars, and not more than Five Hundred (\$500.00) Dollars, annually from the county treasury, which said money, so appropriated, shall be used in awarding prizes or premiums to be offered to encourage a better system of agriculture and stock raising in said county; to create a Board of Award which shall make rules and regulations governing the awarding of the prizes or premiums, and provide for the payment of said money.

S. 250. To authorize the court of county commissioners or body of similar jurisdiction for the county of Crenshaw, to pay to the clerk of the circuit court of said county, a per diem of two dollars, during term time, for the purpose of employing a clerk to record the minutes of said circuit court.

S. 413. To vacate certain streets in the town of Marion.

H. 787. To repeal an act to fix and regulate the fees of the deputy solicitor of Lamar county, Alabama, approved on the first day of October, 1903.

H. 788. For the relief of R. L. Bradley, judge of probate, of Lamar county, State of Alabama.

H. 789. To repeal an act approved on January 30th, 1891, to reduce the fees of the probate judge of Lamar county in certain cases.

H. 786. To repeal an act to reduce and regulate the payments of ex-officio fees so far as it relates to Lamar County, Alabama, approved on February 21st, 1903.

H. 785. To amend an Act entitled an Act to authorize and require the Commissioners Court of Lamar County to set apart and appropriate money from the general fund of said County, with which to pay and discharge certificates of State witnesses issued by the foreman of the Grand Jury and by the Clerk of the Circuit court of said county, fees, which by law, became a good claim against the fine and forfeiture fund of said County, after the approval of this Act, and to regulate the manner of said payments and fixing the amounts of said witness fees, approved December 3rd, 1896.

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H. 666. To establish an inferior court in precinct 29 in Jefferson county, Alabama, in lieu of all justices of the peace and notaries public with powers of justices of the peace in said precinct and to define the jurisdiction and powers of said court and the judge thereof.

H. 606. To establish an inferior court in precinct 9 in Jefferson county, Alabama, in lieu of all justices of the peace and notaries public with powers of justice of the peace in said precinct and to define the jurisdiction and powers of said court and the judge thereof.

H. 726. To require the tax collector of Montgomery county to keep a record showing in abstract form the names of all registered voters who pay their poll tax, beginning with the year 1901 and each subsequent year, together with their ages; and to provide compensation therefor to be paid out of the county treasury.

Mr. Horton, acting chairman of the standing committee on Judiciary, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 703. To prohibit justices of the peace and notaries public with ex-officio powers of justices of the peace from sentencing persons convicted of misdemeanors in their respective courts to imprisonment in the county jail.

H. 735. To authorize women to hold the position or office of clerk of the probate court and to exercise the powers and perform the duties of clerk of the probate courts in this State.

H. 745. To provide for the payment of funds due residents and subjects of foreign countries derived from the settlement of estates or from the sale of lands for division.

H. 723. To fix the times and places of holding the chancery courts in the north eastern chancery division of Alabama.

H. 746. To amend section 6390 of the code of Alabama.

H. 749. To amend section 5675 of the code of Alabama of 1907.

H. 573. To amend section 3164 of the code of Alabama of 1907.

H. 550. To validate acknowledgments to conveyances or other instruments heretofore taken by any notary public or other officer authorized to take acknowledgments then acting after the expiration of his term of office.

H. 528. To provide for the recording in the offices of the judges of probate of the State of Alabama of all final decrees or judgments affecting real estate in the State of Alabama, and to provide a penalty for the failure to record such decrees or judgments.

S. 69. To provide for the preparation and distribution among the State and county offices of copies of official opinions rendered by the attorney general.

Mr. Percy, chairman of the standing committee on Municipal Organizations, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 662. To alter or re-arrange the boundary lines of the city of Bessemer, Alabama.

H. 751. To amend section 1261 of the code of 1907.

H. 752. To amend section 1440, of the code of 1907.

S. 394. To amend section eleven hundred and twenty-eight (1128) of the code of Alabama.

S. 197. To authorize any city within this State having a population of one hundred thousand or more to construct and maintain, or to cause to be constructed and maintained, either by itself, or jointly with persons

or corporations owning or operating railroads, street railroads, factories or manufactories, subways, viaducts or bridges and their approaches over or under and across railroad tracks and contiguous lands within the city limits; to contract with such persons or corporations for the construction and maintenance of such subways, viaducts or bridges and approaches, and for the division of the cost of such construction and maintenance between the city and such persons or corporations; to vacate at grade the parts of the streets or other public highways for the whole width or any portion thereof, over, along, under or across which such subways, viaducts or bridges are constructed, and also to vacate such parts of other streets and public highways in the vicinity of such subways, viaducts or bridges as may be found and declared by the City Council or other governing body of such city to be not then in fact open, or if open, not generally used by the public, though dedicated, the opening and use of which may be found and declared by the City Council or other governing body to be unnecessary by reason of the construction of such subways, viaducts or bridges, and the vacation of which may be called for by any such contract.

S. 225. To define the governing body, and the method of the exercise of Legislative functions by the same, in cities of less than six thousand population, and in towns.

Mr. Percy, chairman of the standing committee on Municipal Organizations, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute:

H. 24. (With substitute.) To provide for civil service regulations for the officers and members of the police department of cities of twenty-five thousand or more population and to regulate and prescribe the tenure and terms of office of said officers, and members employed in said police department of said cities.

Mr. Brindley, chairman of the standing committee on Ways and Means, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute:

H. 711. (With substitute.) To amend section 2272 of the code of Alabama, 1907.

H. 712. (With substitute.) To amend section 2167 of the code of Alabama, 1907.

Mr. Thomas, chairman of the standing committee on Appropriations, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

S. 25. To appropriate sixty thousand dollars for the aid of the State normal school, at Jacksonville, Alabama.

S. 401. To re-imburse the governor's contingent fund for the amount expended in improving the capitol and grounds, and pay inauguration expenses.

S. 136. To amend section 1993 of the code of 1907.

Mr. Thomas, chairman of the standing committee on Appropriations, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment:

H. 331. For the relief of Mrs. Mary Sasser, widow of J. J. Sasser, an ex-Confederate soldier who was a pensioner of the State of Alabama, Chambers County, numbered 3286 and died March 23rd, 1909, in accordance with an Act approved February 10th, 1899, for the relief of needy Confederate soldiers and sailors residents of Alabama and their widows, requiring the State Auditor to draw his warrant on the State Treasurer payable to Mrs. Mary Sasser for the various amounts to be disbursed quarterly to pensioners of the fourth class and also requiring the Judge of Probate to place her name on the pension roll of pensioners of Chambers County.



S. 19. (With amendment.) To appropriate the sum of twenty-five thousand dollars for the erection of a modern school building for the sixth congressional district agricultural school located at Hamilton, the present building having become inadequate for the necessities of the school.

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The above and foregoing bills were severally read a second time, and placed on the calendar.

#### BILLS REPORTED ADVERSELY.

Mr. Brindley, chairman of the standing committee on Ways and Means, reported that said committee in session had acted on the following bills and ordered same returned to the House with an adverse report:

H. 531. To amend section 2228 of the political code of Alabama.

H. 113. To amend section 2164 of the code of Alabama.

H. 114. To amend section 2097 of the code of Alabama.

H. 665. To exempt Confederate soldiers who are legally entitled to practice medicine or surgery in Alabama, from paying a special tax in the State of Alabama to practice their profession.

H. 689. To amend section 735 of the code of Alabama.

H. 471. To amend subdivision No. 2 of section 2361 of the code of Alabama.

H. 47. Authorizing the court of county commissioners or board of revenue, and authorizing the State auditor, upon proper certificate and proof being furnished by the probate judge, to refund to any corporation money improperly collected and paid as corporation license tax, under subdivision twenty-six of section 2361 of the code, and money improperly collected and paid as a franchise tax under sections 2391, 2392, and 2399 of the code.

Mr. Percy, chairman of the standing committee on Municipal Organizations, reported that said committee

in session had acted on the following bills and ordered same returned to the House with an adverse report:

H. 98. To repeal section 1175 of the code of Alabama.

H. 97. To repeal section 6321 of the code of Alabama.

Mr. Mulkey, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bills and ordered same returned to the House with an adverse report:

S. 106. To repeal an act "To regulate the disposition and disbursement of witness fees collected by clerks of courts of record and which fees have not been paid out to the parties entitled thereto within two years after collected by the clerk. Approved August 26, 1909, General and Local Acts of the Special Session of 1909, and to provide for the transfer of witness fees paid into the State Treasury as provided by same.

S. 189. To amend section 6211 of the code of 1907.

S. 142. To authorize the county court commissioners of each county in this State to have printed a map of the county and to keep the same at the office of the probate judge for free distribution.

S. 77. To amend section 6845 of the code of Alabama.

S. 102. To amend section 731 of the code.

Mr. Smith, chairman of the standing committee on Temperance, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report:

H. 769. To authorize and regulate the manufacture, sale and other disposition of spirituous, vinous and malt liquors in the city of Bessemer, Alabama; to provide for the creation of an excise commission for said city; to prescribe the powers and duties of such excise commission; to prescribe the amount of license taxes to be paid by each licensee and the distribution thereof to the city, county and State respectively; to require a bond of each licensee and prescribe its office, purpose

and liabilities; to otherwise prohibit the manufacture, sale, barter, exchange or giving away to induce trade of said liquors except as herein provided; to declare to be nuisances, places at which such liquors are sold unlawfully, and to provide for the abatement of such nuisances; and to make unlawful, and to prescribe penalties and punishments for all violations of this act.

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Mr. McLendon, chairman of the standing committee on Public Health, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report:

H. 731. To regulate the practice of nursing sick persons in the State of Alabama, and to provide for the licensing of nurses.

Mr. Williams, chairman of the standing committee on Commerce and Common Carriers, reported that said committee in session had acted on the following bill and ordered same returned to the House with an adverse report:

S. 320. To amend section 5644 of the code of Alabama.

Mr. Parks, chairman of the standing committee on Judiciary, reported that said committee in session had acted on the following bills and ordered same returned to the House with an adverse report:

H. 225. To amend section 2486 of the civil code of Alabama.

H. 246. To amend section 5364 of the code.

H. 248. To require mortgages or other conveyance of personal property to specifically describe the property embraced therein.

H. 260. To pay clerks of the circuit and law courts of the State of Alabama a fee of two dollars (\$2.00) per day while in actual attendance upon said courts.

H. 262. To amend section 6264 of the code of 1907.

H. 264. To amend section 5362 of the code of 1907.

H. 164. To perpetuate, in a uniform system, the United States surveys of lands, by marking intelligently

the section corners, as located and witnessed by the United States surveys, and to further mark the corners of other subdivisions of sections, in an intelligent permanent manner. To provide markers, set markers, record the old witnesses found, if any, new witnesses set if any, date of recent survey, to enforce marking and protection of markers.

H. 8. To amend section 4198 (2071) of the code of 1907.

H. 270. To amend section 9 of an act entitled an act to provide for the hiring, management, control and inspection of county convicts, approved November 30th, 1907, so as to provide for the disposition of the net proceeds of the hire of county convicts.

H. 294. To make it a crime to extort, compel or bribe any person to confess to a crime or to the knowledge of a crime of the whereabouts of a suspected criminal, or the whereabouts of stolen goods and to fix a penalty for the same.

H. 496. To repeal section 6476 and 6477 of the code of Alabama of 1907.

H. 508. To amend section 2486 of the code of Alabama.

H. 509. To amend section 3912 of the code of Alabama.

H. 755. To provide and regulate and prohibit the sale or other disposition of cigarettes or cigarette papers or smoking the same, or any substitute therefor by any person under the age of twenty-one years in the State.

H. 648. To provide for the time of signing bills of exception in appeals taken in behalf of the State to the supreme court in the habeas corpus cases.

H. 647. To create in lieu in favor of the owner of any saw mill on the lumber sawed in such mill, and to provide for the enforcement of the same.

H. 643. To authorize and require the courts of county commissioners and boards of revenue of the several counties of Alabama to re-arrange the several precinct lines in their respective counties as provided for by this act.

H. 620. Be it enacted by the General Assembly of the State of Alabama, That steamship companies organized as hereinafter set forth, together with their capital stock and all their property, corporeal and incorporeal, shall be exempt from all taxes and licenses, State, county and municipal, both general and special, ~~exclusive of warlike, shed or levee dues for fifteen~~ years from the date of filing with the secretary of State proof that their authorized capital stock has been subscribed in accordance with the law.

H. 585. To amend section 2891 of the code of Alabama.

H. 584. To amend section 6354 of the code of Alabama.

H. 583. To amend section 6354 of the code of Alabama.

H. 576. To establish a court of appeals for the State of Alabama.

H. 571. To provide for the examination of plumbers and to establish a board therefor, and to regulate the business of installing sanitary plumbing, and supervising and inspecting plumbing in cities or towns of this State having a population of twenty-five thousand inhabitants or more according to the Federal census of 1910, or any subsequent Federal census and to provide penalties for the violation of this act.

H. 561. To abolish the office of county treasurer in each county in the State of Alabama, and to require the several tax collectors and all other county officers receiving monies of the county to deposit the same when collected by them in such bank or banks as may be designated by the court of county commissioners or board of revenue to the credit of the county and subject to the order of said court or board of revenue.

H. 549. To legalize all acknowledgments heretofore taken by a notary public who was also an officer, director or stockholder of any corporation organized under the laws of this State, where such corporation was interested as a party to the instrument acknowledged.

H. 557. To provide for the appropriation of fees to be paid by applicants for admission to the bar as practising attorneys at law.

H. 555. To provide for the assessment of real estate, after the same has been surveyed and platted into town lots or subdivision of less than a forty acre tract and provide the valuation of same when assessed.

H. 551. To provide for an appeal in the present litigation between the State and certain railroads now pending in the circuit court of the United States for the middle district of Alabama, in the event that said litigation should result adversely to the State of Alabama; and to make appropriation for the expense of said appeal.

H. 548. To deprive the probate courts of this State of jurisdiction to divide or partition or sell for division or partition, any property, real or personal, held by joint owners or tenants in common, except when such division or partition, or sale for partition is incidental to the administration of estates pending in such courts.

H. 526. To amend sections 1 and 8 of an act to regulate the employment of child labor in certain mills, factories and manufacturing establishments in this State, and to provide for the inspection of the rooms, places and premises wherein they are worked, and to adequately punish violations of this act; approved August 26th, 1909.

H. 451. To regulate corporations engaging in the business of insurance or guarantying titles of land.

H. 174. To amend section 6845 of the code of Alabama.

H. 165. To perpetuate the United States government land surveys and to establish a uniform system of marking land corners in the State of Alabama.

Mr. Milner, chairman of the standing committee on Local Legislation, reported that said committee in session had acted on the following bills and ordered same returned to the House with an adverse report:

H. 653. To prohibit stock from running at large in beat eleven, Randolph county, Alabama, and to provide for the assessment and collection of damages for depredations committed.

H. 605. To establish the office of county inspector of Jefferson county, Alabama, to provide for the ap-

pointment of said county inspector and to prescribe his duties and authority and to fix and provide for the payment of the salary of said county inspector.

H. 567. To authorize the commissioners court of Houston county, Alabama, to levy and assess a special tax of two mills on the taxable property in Houston county, Alabama, for the purpose of building, maintaining and repairing of the public roads and bridges in said county, and to provide for the collection of such tax.

H. 303. To prohibit dogs from running at large in Clarke county.

H. 553. To authorize and empower the town of Russellville to make contracts both within and without the county of Franklin, for hiring out its convicts.

S. 297. To establish an inferior court of record for Franklin county; to prescribe and define the jurisdiction thereof, and to provide for the officers thereof.

#### INTRODUCTION OF BILLS.

On a call of the counties, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Chamberlain (notice and proof):

H. 790. To create the office of deputy coroner for the county of Mobile; to fix his duties and compensation, and provide for his appointment.

Penitentiary and Criminal Administration.

Notice and proof, H. 790.

#### NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama for the passage of a local law providing for a deputy coroner for the county of Mobile, to be appointed by the coroner, the deputy to receive the same fees as received by the coroner of said county, said deputy to receive the same fees for investigating all sudden and suspicious deaths as are allowed by law to the coroner in an investigation.

State of Alabama, }  
Mobile County. }

Personally appeared before me, J. A. F. Olsen, a notary public, in and for said State and county, M. P. Dowling, who being first duly sworn deposes and says that he is the bookkeeper of the Mobile Daily Item, a newspaper, printed and published in the city of Mobile, Mobile county, State of Alabama; that as such officer he has authority to make this affidavit, that the above and foregoing advertisement was published in the Mobile Daily Item once a week for four consecutive weeks on to-wit: January 18th, January 25th, February 1st and February 8th, 1911.

M. P. Dowling.

Subscribed and sworn to before me this 10th day of February, A. D., 1911.

J. A. F. Olsen,  
Notary Public, Mobile County, Ala.

By Mr. Bush:

H. 791. To amend section 1359 of the code of Alabama of 1907, so that the same shall read as follows:  
Privileges and Elections.

By Mr. Bush:

H. 792. To amend section 1374 of the code of Alabama of 1907.

Privileges and Elections.

By Mr. Lane:

H. 793. To authorize the commissioner of agriculture and industries to deliver to the Read Phosphate Company, of Nashville Tenn., fifteen thousand five hundred (15,500) fertilizer tags to replace the same number that have been burned.

Claims and Fees.

By Mr. Lloyd:

H. 794. To amend section 1996 of the code of Alabama.

Revision of Laws.

By Mr. Milner (notice and proof):

H. 795. To create the western chancery division of the State of Alabama, to provide for the appointment and election of a chancellor therefor, fix his salary, and



fix the times and places of holding chancery courts therein.

Revision of Laws.

Notice and proof, H. 795.

"NOTICE.

~~Notice is hereby given that application will be made to the Legislature of Alabama, at the present session, for the passage of a law creating the western chancery division of Alabama, composed of the counties of Tuscaloosa, Greene, Sumter, Bibb, Pickens, Lamar, Fayette, Walker, Marion, and Winston, divided into and known as districts 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, respectively; and providing for the appointment and election of a chancellor therefor, fixing his salary, and fixing the times and places of holding chancery courts therein."~~

The State of Alabama, }  
Sumter County. }

Personally appeared before me, James A. Mitchell, a notary public, in and for said county and State, W. H. Lawrence, who being by me first duly sworn upon his oath says that he is editor and proprietor of Our Southern Home, a newspaper published in Sumter County, Alabama, and that the above notice was published for four successive weeks in the said newspaper, the first notice being published on the 15th day of February, 1911, and the last on the 15th day of March, 1911.

W. H. Lawrence.

Subscribed and sworn to before me on this the 20th day of March, 1911.

James A. Mitchell,  
Notary Public.

"NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama, at the present session, for the passage of a law creating the western chancery division of Alabama, composed of the counties of Tuscaloosa, Greene, Sumter, Bibb, Pickens, Lamar, Fay-

ette, Walker, Marion, and Winston, divided into and known as districts 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, respectively; and providing for the appointment and election of a chancellor therefor, fixing his salary, and fixing the times and places of holding chancery courts therein."

The State of Alabama, }  
Fayette County. }

Personally appeared before me, M. Brotherton, a justice of the Peace, in and for said county and State, Turner A. Wilson, who being by me first duly sworn upon his oath says that he is editor and proprietor of the Fayette Banner, a newspaper, published in Fayette county, Alabama, and that the above notice was published for four successive weeks in the said newspaper, the first notice being published on the 23rd day of February, 1911, and the last on the 9th day of March, 1911.

Turner A. Wilson.

Subscribed and sworn to before me this the----day of March, 1911.

M. Brotherton,  
Justice of the Peace.

"NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama, at the present session, for the passage of a law creating the western chancery division of Alabama, composed of the counties of Tuscaloosa, Greene, Sumter, Bibb, Pickens, Lamar, Fayette, Walker, Marion, and Winston, divided into and known as districts 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, respectively; and providing for the appointment and election of a chancellor therefor, fixing his salary, and fixing the times and places of holding chancery courts therein."

The State of Alabama, }  
Marion County. }

Personally appeared before me, Mack Pearce, judge of probate, in and for said county and State, G. J. Wilson, who being by me first duly sworn, upon his oath says, that he is editor and proprietor of the Marion county News, a newspaper, published in Marion county, Alabama, and that the above notice was published for four successive weeks in the said newspaper, the first notice being published on the 16th day of February, 1911, and the last on the 9th day of March, 1911.

G. J. Wilson,  
Pub. News.

Subscribed and sworn to before me on this the 20th day of March, 1911.

Mack Pearce,  
Judge of Probate.

"NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama, at the present session, for the passage of a law creating the western chancery division of Alabama, composed of the counties of Tuscaloosa, Greene, Sumter, Bibb, Pickens, Lamar, Fayette, Walker, Marion, and Winston, divided into and known as districts 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, respectively; and providing for the appointment and election of a chancellor therefor, fixing his salary, and fixing the times and places of holding chancery courts therein."

The State of Alabama, }  
Lamar County. }

Personally appeared before me, R. L. Bradley, judge of probate, in and for said county and State, Chas. S. McDougal, who being by me first duly sworn, upon oath says, that he is editor and proprietor of the Lamar Democrat, a newspaper, published in Lamar county, Alabama, and that the above notice was published for

four successive weeks in the said newspaper, the first notice being published on the 21st day of February, 1911, and the last on the 15th day of March, 1911.

C. S. McDougal.

Subscribed and sworn to before me this the----day of March, 1911.

R. L. Bradley,  
Judge of Probate.

"NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama, at the present session, for the passage of a law creating the western chancery division of Alabama, composed of the counties of Tuscaloosa, Greene, Sumter, Bibb, Pickens, Lamar, Fayette, Walker, Marion, and Winston, divided into and known as districts 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, respectively; and providing for the appointment and election of a chancellor therefor, fixing his salary, and fixing the times and places of holding chancery courts therein."

The State of Alabama, }  
Greene County. }

Personally appeared before me, Amand P. Smith, judge of probate, in and for said county and State, James S. Coleman, who being by me first duly sworn upon his oath says, that he is editor and proprietor of the Greene county Democrat, a newspaper, published in Greene county, Alabama, and that the above notice was published for four successive weeks in the said newspaper, the first notice being published on the 17th day of February, 1911, and the last on the 10th day of March, 1911.

Jas. S. Coleman,  
Editor and Proprietor, Greene County Democrat.

Subscribed and sworn to before me on this the 20th day of March, 1911.

Amand P. Smith,  
Judge of Probate, Greene County, Alabama.

## "NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama, at the present session, for the passage of a law creating the western chancery division of Alabama, composed of the counties of Tuscaloosa, Greene, Sumter, Bibb, Pickens, Lamar, Fayette, Walker, Marion, and Winston, divided into and known as districts 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, respectively; and providing for the appointment and election of a chancellor therefor, fixing his salary, and fixing the times and places of holding chancery courts therein."

The State of Alabama, }  
 Pickens County. }

Personally appeared before me, L. C. Hudgins, judge of probate, in and for said county and State, A. W. Struthers, who being by me first duly sworn, upon oath says that he is editor and proprietor of the West Alabamian, a newspaper, published in Pickens county, Alabama, and that the above notice was published for four successive weeks in the said newspaper, the first notice being published on the 15th day of February, 1911, and the last on the 8th day of March, 1911.

A. W. Struthers.

Subscribed and sworn to before me on this the 18th day of March, 1911.

L. C. Hudgins,  
 Judge of Probate.  
 By M. Johnson,  
 P. C.

## "NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama, at the present session, for the passage of a law creating the western chancery division of Alabama, composed of the counties of Tuscaloosa, Greene, Sumter, Bibb, Pickens, Lamar, Fayette, Walker, Marion, and Winston, divided into and

known as districts 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, respectively; and providing for the appointment and election of a chancellor therefor, fixing his salary, and fixing the times and places of holding chancery courts therein."

The State of Alabama, }  
Walker County. }

Personally appeared before me, E. W. Miller, a justice of the peace, in and for said county and State, Lawrence Richardson, who being by me first duly sworn, upon oath says, that he is manager of the Mountain Eagle, a newspaper, published in Walker county, Alabama, and that the above notice was published for four successive weeks in the said newspaper, the first notice being published on the 15th day of February, 1911, and the last on the 8th day of March, 1911.

Lawrence Richardson.

Subscribed and sworn to before me this the----day of March, 1911.

E. W. Miller,  
Justice of Peace.

"NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama, at the present session, for the passage of a law creating the western chancery division of Alabama, composed of the counties of Tuscaloosa, Greene, Sumter, Bibb, Pickens, Lamar, Fayette, Walker, Marion, and Winston, divided into and known as districts 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, respectively; and providing for the appointment and election of a chancellor therefor, fixing his salary, and fixing the times and places of holding chancery courts therein."

The State of Alabama, }  
Bibb County. }

Personally appeared before me, L. H. Nunnelee, register in chancery, in and for said county and State, Ada

Jennings, who being by me first duly sworn, upon her oath says, that she is foreman of the Centerville Press, a newspaper, published in Bibb county, Alabama, and that the above notice was published in the said newspaper for four consecutive weeks, the first notice being published on the 16th day of February, 1911, and the last on the 9th day of March, 1911.

Ada Jennings.

Subscribed and sworn to before me on this the 20th day of March, 1911.

L. H. Nunnelee,  
Register in Chancery.

"NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama, at the present session, for the passage of a law creating the western chancery division of Alabama, composed of the counties of Tuscaloosa, Greene, Sumter, Bibb, Pickens, Lamar, Fayette, Walker, Marion, and Winston, divided into and known as districts 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, respectively; and providing for the appointment and election of a chancellor therefor, fixing his salary, and fixing the times and places of holding chancery courts therein."

The State of Alabama, }  
Tuscaloosa County. }

Personally appeared before me, Daniel Collier, a notary public, in and for said county and State, John T. Bealle, who being by me first duly sworn, upon his oath says, that he is editor and proprietor of the West Alabama Breeze, a newspaper, published in Tuscaloosa county, Alabama, and that the above notice was published in the said newspaper for four successive weeks, the first notice being published on the 25th day of January, 1911, and the last on the 28th day of February, 1911.

J. T. Bealle,  
Editor and Proprietor.

Subscribed and sworn to before me on this, the 20th day of March, 1911.

Daniel Collier,  
Notary Public.

"NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama, at the present session, for the passage of a law creating the western chancery division of Alabama, composed of the counties of Tuscaloosa, Greene, Sumter, Bibb, Pickens, Lamar, Fayette, Walker, Marion, and Winston, divided into and known as districts 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, respectively; and providing for the appointment and election of a chancellor therefor, fixing his salary, and fixing the times and places of holding chancery courts therein."

The State of Alabama, }  
Winston County. }

Personally appeared before me, A. J. Ivis, notary public, in and for said county and State, M. S. Hansbrough, who being by me first duly sworn, upon his oath says, that he is editor and proprietor of the Winston County News, a newspaper, published in Winston county, Alabama, and that the above notice was published for four successive weeks in the said newspaper, the first notice being published on the 17th day of February, 1911, and the last on the 10th day of March, 1911.

M. S. Hansbrough.

Subscribed and sworn to before me on this, the 21st day of March, 1911.

A. J. Ivis,  
Notary Public.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bills:



H. 468. To amend an act entitled, "an act to create and establish the Marengo law and equity court for Marengo county," approved on the 26th day of August, 1909.

H. 663. To prevent in certain cases the said purchase, exchange and transportation of cotton in the seed in Greene county, Alabama, and to provide for exceptions.

H. 175. To amend an act entitled "an act to amend section 3613 of the code of Alabama of 1907."

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

On motion of Mr. Pegram, the House concurred in and adopted the Senate amendment to the bill H. 468, the title to which is set out in the above and foregoing message from the Senate, said Senate amendment being as follows:

Amend by striking out the word "furing" where the same occurs in line 3 of the 2nd paragraph, and insert in lieu thereof the word "during."

Yeas, 66; nays, 0.

#### Yeas:

Messrs:—

Speaker	Capps	Jenkins (Bullock)
Acker	Chamberlain	Johnson (Clarke)
Arnold	Darden	Johnson (Marshall)
Barnard	Eastis	Jones
Bell (Autauga)	Edmonds	Judge
Brewer	Flanagan	Lane
Brindley	Fuquay	Lawson
Boswell	Gewin	Lee
Brown (Pike)	Helms	Letson
Brown (Tuscaloosa)	Hollis (Walker)	Lumpkin
Burton	Hood	Martin (Calhoun)
Bush	Huddleston	Martin (Jackson)
Butt	James	Mathews

Merrill	Pitts	Stollenwerck
Merritt	Popwell	Sullivan
Molton	Pruett	Thomas
Mulkey	Quinn	Waits
McDonald	Rice	Walden
McGowen	Richeson	Whatley
Nicholson	Rylance	Willhite
O'Neill	Smith	Williams
Pegram	Strickland	Wright

—66

## SENATE MESSAGE.

On motion of Mr. Flanagan, the House concurred in and adopted the Senate amendment to the bill H. 663 said Senate amendment being as follows:

Amend title by striking out the following word "said" and insert "sole" also strike out the title the words "and transportation" and insert "or barter."

Yeas, 67; nays, 0.

## Yeas:

Messrs:—

Speaker	Flanagan	Lumpkin
Acker	Fuquay	Martin (Calhoun)
Arnold	Gewin	Martin (Jackson)
Barnard	Helms	Mathews
Bell (Autauga)	Hollis (Walker)	Merrill
Brewer	Hood	Merritt
Brindley	Huddleston	Molton
Boswell	James	Mulkey
Brown (Pike)	Jenkins (Bullock)	McDonald
Brown (Tuscaloosa)	Johnson (Clarke)	McGowen
Burton	Johnson (Marshall)	Nicholson
Bush	Jones	O'Neill
Butt	Judge	Pegram
Capps	Lane	Pitts
Chamberlain	Lawson	Popwell
Darden	Lee	Pruett
Eastis	Letson	Quinn
Edmonds	Bloyd	Rice

Richeson	Sullivan	Whatley
Rylance	Thomas	Willhite
Smith	Waits	Williams
Strickland	Walden	Wright
Stollenwerck		

—67

## SENATE MESSAGE.

On motion of Mr. Thomas the House concurred in and adopted the Senate amendment to the bill H. 175, said Senate amendment being as follows:

## A BILL TO BE ENTITLED AN ACT.

To amend section 3613 of the code of Alabama.

Be it enacted by the Legislature of Alabama, that section 3613 of the code, which reads as follows:

“3613. Religious, educational, benevolent and burial societies: The members of any church or religious society, or educational society, benevolent society, or the owners of a graveyard, desiring to become incorporated, shall elect not less than three nor more than nine trustees,” be amended so as to read as follows:

“Section 3613. Churches, religious, educational, benevolent monument, patriotic and burial societies: The members of any church or religious society, or educational society, or the trustees of any educational institution elected by the organization or organizations of any church or religious association, benevolent society, monument association or patriotic society, or the owners of a graveyard, desiring to become incorporated, shall adopt a resolution signifying such intention, and elect not less than three nor more than twenty-four trustees.

Yeas, 66; nays, 0.

## Yeas:

Messrs:—

Speaker	Bell (Autauga)	Brown (Pike)
Acker	Brewer	Brown (Tuscaloosa)
Arnold	Brindley	Burton
Barnard	Boswell	Bush

Butt	Judge	Pitts
Capps	Lane	Popwell
Chamberlain	Lawson	Pruett
Darden	Lee	Quinn
Eastis	Letson	Rice
Edmonds	Lumpkin	Richeson
Flanagan	Martin (Calhoun)	Rylance
Fuquay	Martin (Jackson)	Smith
Gewin	Mathews	Strickland
Helms	Merrill	Stollenwerck
Hollis (Walker)	Merritt	Sullivan
Hood	Molton	Thomas
Huddleston	Mulkey	Waits
James	McDonald	Walden
Jenkins (Bullock)	McGowen	Whatley
Johnson (Clarke)	Nicholson	Wilhite
Johnson (Marshall)	O'Neill	Williams
Jones	Pegram	Wright

—66

Mr. Burton gave notice that on tomorrow he would move to take from the adverse calendar H. 377.

Mr. Butt gave notice than on tomorrow he would move to take from the adverse calendar H. 471.

Mr. McLendon gave notice that on tomorrow he would move to take from the adverse calendar H. 665.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 39. To appropriate sixty-five thousand dollars (\$65,000) to the Alabama schools for the deaf and blind.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message was read one time and referred to an appropriate standing committee as follows:

S. 39 Appropriations

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MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has concurred in and adopted the amendment, proposed by his excellency, the governor to:

H. 538. To amend section five of an act, approved August 26, 1909, entitled an act to create and establish the Marengo law and equity court for Marengo county. Yeas, 26; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and passed the following bill:

S. 434. To establish in precinct one in Madison county, Alabama, an inferior court in lieu of all justices of the peace and notaries public with the powers of a justice of the peace in said precinct, to be known as the inferior court of Huntsville, to define the jurisdiction and powers of said court and the judge thereof.

With notice and proof attached and herewith exhibited as follows:

NOTICE.

Is hereby given that at the present session of the Legislature of Alabama, substantially the following bill will be introduced for passage, to-wit: A bill to be entitled

## AN ACT

To establish in precinct one in Madison county, Alabama, an inferior court in lieu of all justices of the peace and notaries public with the powers of a justice of the peace in the said precinct, to be known as the inferior court of Huntsville, to define the jurisdiction and powers of said court and the judge thereof:

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby established in and for precinct one, a precinct lying partly within the city of Huntsville, a city having more than fifteen hundred inhabitants, in Madison county, Alabama, an inferior court of law in lieu of all justices of the peace and notaries public with the powers of justices of the peace in said precinct, which court shall be known as the inferior court of Huntsville.

Sec. 2. Said court and the judge thereof shall have and exercise all the jurisdiction, power and authority, and shall perform all the duties that are now or may hereafter be conferred by law on justices of the peace in civil and criminal cases, and such preliminary jurisdiction as is now or may hereafter be conferred by law on justices of the peace.

Sec. 3. In addition to the jurisdiction above conferred said court and the judge thereof shall have and exercise civil and criminal jurisdiction of justices of the peace in all cases where the defendant resides in peace of this State.

Sec. 4. Said court shall conform to and be governed by the rules of practice and procedure that are now or may hereafter be made applicable to justices of the peace of this tSate.

Sec. 5. There shall be one judge for said court learned in the law, who shall be appointed by the governor within twenty days after the passage and approval of this act, whose term of office shall be until the next general election 1912, and until his successor is elected and qualified, and at such general election in 1912 and every four years thereafter a judge of said inferior

court of Huntsville shall be elected by the qualified voters residing within said precinct, whose term of office shall be four years. The judge of said court before entering upon the discharge of the duties of his office, must take the oath of office required by law to be taken by justices of the peace of this State and enter into bond with sureties in the sum of two thousand dollars, ~~conditioned as in case of justices of the peace which~~ oath and bond must be filed and recorded in the office of the judge of probate in Madison county.

Section 6. Said judge shall have and exercise the same powers that are now by law conferred on justices of the peace or may hereafter be conferred on them; he shall have the right to solemnize the rights of matrimony, administer affidavits or oaths, take acknowledgments of deeds and mortgages, and take recognizances.

Sec. 7. The judge of said court shall at the time of his appointment or election be learned in the law, at least twenty-five years of age and shall have resided in said precinct at least twelve months preceding his election or appointment. Vacancies in the office of said judge shall be filled by appointment by the governor whose term of office shall be until his successor is elected and qualified at the next general election thereafter.

Sec. 8. Appeals may be taken from said court in like manner as appeals are now taken from the justice courts to the circuit courts of this State, to the law and equity court of Madison county or other court having jurisdiction and there tried, de novo.

Sec. 9. That a clerk of the said court may, at the discretion of the judge of said court, be appointed by said judge, whose salary shall not exceed fifty dollars per month, payable at the end of each month, out of the county treasury, and said clerk to be subject to removal at the will of the judge. Before entering upon the duties of his office, such clerk shall give bond with surties, and in such amount as may be fixed by the judge appointing him, not less than five hundred dollars and shall be payable, conditioned, filed and recorded as required by law in respect to justices of the peace. If at any time there should be no clerk of said

court, it is hereby made the duty of the judge thereof to do and perform all the acts herein required to be done by the clerk.

Sec. 10. Said clerk must keep civil and criminal dockets of all cases in said court as now provided by law for justices of the peace, provided said dockets shall also show an itemized statement of all costs, fees and fines due and collected, and said clerk shall make a complete statement of all costs, fees, fines and forfeitures due and collected, and quarterly report the same to the probate judge of Madison county. Said clerk shall sign and issue all summons and complaints, writs, executions and other process, make out transcripts and perform all other duties that may be necessary to maintain the jurisdiction and authority of the said inferior court.

Sec. 11. It is the duty of the county commissioners court of Madison county to provide a suitable court room in which to hold said court, and the necessary stationery out of the monies paid into the county treasury by the clerk of said court under the provisions of this act, not to exceed the sum of twenty-five dollars per month for the rent of said court room including stationery.

Sec. 12. The fees and costs of said court shall be the same as are now allowed by law to justices courts of this State, and shall be collected by the clerk of said court. All of the costs and fees so collected by him shall be paid into the treasury of Madison county once in every month.

Sec. 13. The judgments and decrees of this court may be registered and shall be a lien on the property of defendant as provided in Article 9 of the civil code, sections 4156-7-8-9.

Sec. 14. All fines and forfeitures collected by the clerk of said court must be paid into the treasury of Madison county once in each month. The money paid into the treasury of Madison county by the clerk of said court must be kept apart from the other funds of said county, and known as "the fund of the inferior court of Huntsville."



Sec. 15. The judge of said court shall receive a salary of twelve hundred dollars per annum, payable monthly upon the warrant drawn on the county treasurer of Madison county by the clerk of said court, countersigned by the judge of probate of said county. The clerk shall receive as compensation not more than fifty dollars per month out of the county treasury of Madison county on warrants drawn by the judge of the inferior court of Madison county on the county treasury once each month and countersigned by the probate judge of said county.

Sec. 16. It shall be the duty of the grand jury of said county whenever they deem it necessary to make an examination of all the books and papers of said clerk, and they shall have authority to summons such witnesses before them and examine the same as may be necessary to make a thorough examination of the books and papers of the clerk of said court and report the condition of their findings to the judge of the law and equity court of said county.

Sec. 17. The clerk before entering upon the duties of his office must take the oath now prescribed to be taken by justices of the peace of this State and make and file bond as required in section 9 of this act.

Sec. 18. The judge and clerk of said court or either of them may be impeached or removed from office in the same manner and under the same procedure as justices of the peace of this State are now removed or impeached, or hereafter may be provided for their removal or impeachment.

Sec. 19. In the absence or disability of the judge of said court, the probate judge of said county shall appoint a judge of said court to serve until the return of said judge or during his disability, who shall be paid the sum of three and one-half dollars per day, as the judge of said court is now paid out of the county treasury and said amount deducted from the salary of the judge.

Sec. 20. The offices of the justice of the peace and notaries public exercising jurisdiction of justices of the peace in said precinct one are hereby abolished to

take effect upon the appointment and qualification of the judge of said inferior court. As soon as the judge of said court is qualified under the provisions of this act, all the justices of the peace and notaries public who are ex-officio justices of the peace in said precinct, shall deliver their dockets, official papers and records of all kinds of their respective offices, to the clerk of the court hereby established, and all causes pending in said courts shall be, by such delivery, transferred to the court hereby established and executions and other appropriate process for the collection and enforcement of the judgments of said court may be issued by the court hereby established, including execution for cost in any cause accrued before said transfer, the clerk of the court hereby established shall pay said costs to the persons hereby entitled to the same.

Sec. 21. The constable of precinct one, the sheriff and coroner of Madison county, shall be the officers of said court and they are authorized and it is hereby made their duty to execute and make due return thereto of all processes issued out of said court, and they shall be entitled to receive the same fees and compensation as now or as hereafter may be allowed for like services.

Sec. 22. The commissioners court of said county are hereby authorized at any time to transfer any money in the county treasury to the credit of the inferior court of Huntsville into the general fund of the county, or they may transfer any sum of money from the general fund to the fund of the inferior court of Huntsville.

Sec. 23. The solicitor of Madison county shall attend said court and prosecute, and there shall be taxed in the cause a solicitor's fee when a conviction is had in the amount provided by law, and the said solicitor's fee shall be taxed and collected in the same manner as said tax and fees are collected and paid in the law and equity court of Madison county, provided that said solicitor's fees shall be paid into the county treasury as other fees are directed to be paid under the provision of this act.

Sec. 24. It shall be unlawful for the judge of said court to practice law in any of the courts in his county.

Sec. 25. Any clerk of said court or any judge thereof, if there be no clerk, who fails to comply with the provisions of sections Nos. 10 and 14 of this act shall be guilty of a misdemeanor, and on conviction be fined not more than \$500.00.

~~Sec. 26. The judge of said court shall be liable to the same penalties as justices of the peace are subject to, for a failure to perform the duties required of justices of the peace.~~

Sec. 27. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

State of Alabama, }  
Madison County. }

Before me, Rachel Tomlinson, notary public in and for said county and State this day personally appeared R. L. O'Neal, who being first duly sworn deposes and says as follows: That he is the manager and owner of the Huntsville Weekly Mercury, a newspaper published in the city of Huntsville, in said county and State, that the foregoing notice, was published once a week for four consecutive weeks, namely on the 22nd day of February, 1911, the 1st, 8th, and 15th days of March, 1911, in said newspaper.

R. L. O'Neal.

Subscribed and sworn to before me this the 15th day of March, 1911.

Rachel Tomlinson,  
Notary Public.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message was read one time

and referred to an appropriate standing committee as follows:

Revision of Laws, S. 434.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 433. To amend section thirty of an act entitled an act to establish the law and equity court of Madison county, approved February 26, 1907.

With notice and proof attached and herewith exhibited as follows:

#### NOTICE.

Is hereby given that a bill will be introduced for passage in the Legislature of Alabama, now in session, substantially as follows:

A bill to be entitled an act to amend section thirty of an act entitled an act to establish the law and equity court of Madison county, approved February 26, 1907.

Be it enacted by the Legislature of Alabama that section thirty of an act entitled an act to establish the law and equity court of Madison county be amended so that it will read as follows:

Section 30. "The judge of said court may hold court for circuit judge and chancellors of this State, and circuit judges and chancellors may hold the said Madison county law and equity court for the judge thereof, when it is deemed proper to do so, and shall do so when directed as authorized by law."

State of Alabama, }  
Madison County. }

Before me, Rachel Tomlinson, a notary public in and for said county and State this day personally appeared R. L. O'Neal, who being first duly sworn did depose and say as follows: That he is manager and owner of the Huntsville Mercury Banner, a newspaper pub-

lished in the city of Huntsville, in said county and State, that the foregoing notice was published once a week for four consecutive weeks, namely on the 8th, 15th and 22nd days of February, 1911, and the first day of March, 1911, in said newspaper.

R. L. O'Neal.

Subscribed and sworn to before me, this the 15th day  
of March, 1911.

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Rachel Tomlinson,  
Notary Public.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bill the title to which is set out in the above and foregoing Senate message was read one time and referred to an appropriate standing committee as follows:

Revision of Laws, S. 433.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 527. To authorize the board of revenue of Montgomery county to retain and employ an attorney at law; to fix the services which said attorney at law may be required to render, and to fix his compensation therefor.

H. 540. To provide for the better construction, repairing, working and maintaining of public roads and bridges in Clay county, Alabama.

H. 566. To divide Houston county, Alabama, into four commissioners districts and to provide for the election of the commissioners from each of said districts.

H. 613. To authorize the commissioners court of Greene county, Alabama, to change the boundary lines

or any part thereof of the four commissioners districts in said county.

H. 625. To amend an act entitled an act to confer additional jurisdiction upon the county court of Monroe county, Alabama, and to regulate the proceedings therein, approved February 18th, 1907.

H. 633. To establish an inferior court for precinct number one of Walker county, Alabama, in lieu of all justices of the peace and notary public and ex-officio justices of the peace exercising the same jurisdiction as justice of the peace in said precinct number one, to be known as the city court of Jasper, and to define the jurisdiction and powers of said court and the judge thereof, and to provide for the election of the judge and his term of office.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 411. To establish a board of revenue for each county of the State whose population, according to the last preceding federal census, has reached, or may hereafter reach, two hundred thousand, or more; and to fix the salaries of said board; and to abolish the court of county commissioners of all such counties.

Also:

S. 384. To authorize the white public schools of Marion and Uniontown in Perry county, Alabama, to adopt a curriculum or course of study equivalent to that required of the State high schools; to regulate the taking and acceptance of pupils in said schools, and to provide for the payment to said schools, in equal parts, the county appropriation now donated to county high schools.

And send the same to the House with notice and proof attached and herewith exhibited as follows:

EXHIBIT "A."

NOTICE OF LOCAL LAW.

Notice is hereby given that a bill will be introduced and its enactment into law applied for at the present session of the Legislature of Alabama, which bill shall provide, in, as follows:

The present Marion public school, for whites, and the present Uniontown public school for whites be required to raise their course of study to comply with the standard of the county high school; that there be appropriated out of any money in the State treasury, not otherwise appropriated, the sum of two thousand dollars, to be paid over to the county superintendent of education of Perry county, Alabama, in lieu of the high school appropriation fixed by law.

That the said two thousand dollars going to high schools be equally divided between the two public schools above named, that said schools be then required to take children of high school preparation from the county on same terms as children or pupils from the towns; that these provisions to remain in effect until Perry county establishes a regular high school as provided by law.

Charles C. Johnson.

State of Alabama, }  
Perry County. }

Personally appeared before me, J. B. Shivers, judge of probate, in and for said State and county, C. H. Greer, who being by me first duly sworn, deposes and says, that he is the owner and proprietor of the Marion Standard, a weekly newspaper, published in Perry county, Alabama, and that the foregoing notice attached to this paper marked "Exhibit A" was published in the said Marion Standard for four successive weeks, first insertion was on the 27th day of January, 1911.

Charles H. Greer.

Sworn to and subscribed before me this 7th day of March, 1911.

J. B. Shivers,

Judge of Probate, Perry County, Alabama.  
And send same herewith to the House.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bills the titles to which are set out in the above and foregoing Senate message were read one time and referred to an appropriate standing committee as follows:

Revision of Laws, S. 411.  
Education, S. 384.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment, proposed by his excellency, the governor, to:

H. 543. To amend sections 2, 3, 4 and 5 of an act entitled an act to declare the powers and jurisdiction of the city court of Gadsden, in Etowah county, approved February 27th, 1901.

Yeas, 24; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 123. To amend section 733 of the code of 1907.  
Also:



S. 375. To provide for the more efficient working of the public roads and construction and repair of bridges in Fayette county; to create a highway commission in said county and define its powers and duties to provide for a road supervisor, fix his compensation and define his duties and to authorize the employment of a highway engineer; to provide for revenue for road and bridge purposes in said county; to provide for the appointment of road foremen in the several precincts in the county, fix their compensation and define their duties and powers; to authorize the purchase of necessary tools, teams, road machines and other implements; to provide for a commutation fee in lieu of working the roads; to prevent the obstruction and damage to the public roads and bridges and to prescribe rules, regulations and penalties in order to carry into effect the purposes of this act.

And send the same to the House with notice and proof attached and herewith exhibited as follows:

#### NOTICE.

Notice is hereby given of intention to apply to the Legislature now in session for the passage of a law in substance as follows:

Section 1. Will provide for a road commission for Fayette county, Alabama, composed of a road supervisor appointed by the governor, the probate judge and one of the members of the court of county commissioners, designated by the governor, who shall have general control and supervision of the public roads and bridges and the disbursement of all funds for roads and bridge purposes in Fayette county, Alabama.

Section 2. Will provide that the supervisor shall execute a sufficient bond for the faithful performance of the duties of his office.

Section 3. Will provide that he shall be paid not to exceed seven hundred and twenty dollars per annum, and the time he shall devote to his work.

Section 4. Will prescribe that he shall have active control and management of the public roads and

bridges, the manner of working, locating and maintaining the same, and that contracts or expenditures exceeding \$300 and the establishment of new roads or the permanent relocation of roads shall be with the consent and advice of the road commission.

Section 5. Will provide that the supervisor must appoint a road foreman for each precinct, fix the amount of his pay, not to exceed \$100 per annum, the manner, time and method he shall work on the roads, and for his removal in event he fails to carry out the directions of the supervisor or the road commission or his duties as fixed by law, and that he shall hold office for not to exceed two years; that each road foreman shall execute bond for not less than \$500 for the faithful discharge of his duties; that he shall prepare a list of all persons subject to road duty, and collect and turn over to the probate judge commutation fees in lieu of work by road hands; that he shall apportion road hands who have not paid commutation fees; that he shall call out road hands who fail to pay commutation fees to work on the roads and bridges and perform such other duties as he may be directed by the supervisor or the road commission, and will limit the amount expended by him on any particular project to not exceed \$25 without the advice and consent of the supervisor; that all road hands shall be subject to ten days work, exclusive of new roads, on roads less than six miles distant or pay in lieu thereof \$5 to the road fund; that he shall have authority to excuse defaulters on account of sickness or absence; that he must report under oath a list of all hands worked, the dates and number of hours worked each day.

Section 6. Will provide that road hands moving from one precinct to another may be credited for days worked or money paid in another precinct.

Section 7. Will provide for the employing, when necessary, by the road commission of a highway engineer, or person experienced in road construction, the purchase of necessary tools, road machinery or other implements for working the roads and employing persons to operate the same, to purchase or procure

otherwise gravel, sand, etc., and rights of way for roads, and to direct the improvement of main roads in the county; that the supervisor shall submit reports to the road commission showing receipts and vouchers for all moneys expended by him; that he shall inspect the roads and bridges in each precinct at least four times a year and confer and advise with the foreman thereof as to any particular or extra work in any locality or on any road or bridge; that such supervisor may let out by contract the construction or maintenance of roads or bridges in the county or in any locality; that all contractors must execute bond for the faithful discharge of the contract, and that the contract price shall not all be paid until the work is approved and accepted by the supervisor.

Section 8. Will prescribe that all male persons over eighteen and under fort-five years shall be compelled to work on the roads or bridges ten days in each year or pay \$5 on or before February 1st or March 1st, which money shall be a part of the road fund, and that at least an equal amount of all road fund collected in any precinct shall be expended in that precinct during the following year; that all persons moving into the county after March 1st shall be liable to road duty or road tax in proportion to the time they are in the county during the year.

Section 9. Will prescribe that the probate judge shall be the clerk of the road commission, keep a record of the proceedings, an accurate account of all moneys collected and expended in the different precincts and for other purposes; the names and amount and date of those who paid a commutation fee, fees, licenses or otherwise; that he may collect commutation fees for any precinct in the county and shall be the custodian of all road funds, and shall be paid for his services not to exceed \$300 per year.

Section 10. Will provide that the county commissioners are authorized to levy a special tax not to exceed one-fourth of one per centum, which, when paid into the treasury, shall be kept separate and apart from

other funds and used only on roads and bridges in the county.

Section 11. Will provide that the county commissioners shall supply necessary books, blanks and stationery for the purpose of this act.

Section 12. That each precinct foreman shall report and submit to the grand jury the condition of the roads and bridges in their precinct and the books and accounts for inspection.

Section 13. Will provide that the foreman may use the road tools belonging to the county first by one and then another so that they may be used all over the county.

Section 14. Will provide that the general laws of Alabama as to warning road hands and the tools they shall bring with them will apply in this act.

Section 15. Will provide that any foreman who fails to perform his duties is guilty of a misdemeanor and may be fined on conviction from \$5 to \$100.

Section 16. Will provide that it will be unlawful for persons not engaged in working the roads to dig in or across or fill up or obstruct with brush, logs or otherwise the roads or road, or ditches or bridges, and that such person violating the same, may be fined on conviction from \$5 to \$100.

Section 17. Will authorize the road commission to fix the maximum draft hauled over the roads or any portion thereof and to prohibit or regulate heavy road engines or other machines and to require persons operating saw mills and hauling logs or timber or other heavy material regularly over the roads to pay a license.

Section 18. Will authorize the county commissioners, in their discretion, to work the county convicts on the roads.

Section 19. Will require all persons to receipt for and surrender in good condition all tools and road machinery or other implements for use on the roads and prohibit their use except in working and repairing roads or bridges, and all persons violating this act will be fined on conviction between \$5 and \$100.

Section 20. Will require all persons, firms or corporations having three or more men in their employ to give to the road foreman a list of the same and their residences, and that a violation of this act will be punishable on conviction by a fine of not less than \$5 nor more than \$100.

Section 21. Will provide that the county treasurer shall pay all warrants on the road fund drawn by the probate judge by order of the road commission to the road commission for road purposes, for which he shall be paid the usual fees.

Section 22. That the court of county commissioners may appropriate from the general fund any moneys they see fit for the purpose of building and improving roads, and the purchase of machinery and tools, and may also borrow money for such purposes, at not to exceed eight per centum interest per annum.

Section 23. That when the citizens of any community will raise a sufficient sum for improving the roads or contribute work for that purpose, the road commission will be authorized also to appropriate moneys not needed otherwise in helping the citizens in such community to build and improve their roads.

Section 24. Will provide for the repeal of all laws in conflict therewith.

Other sections will provide that the supervisor shall submit reports to the grand juries and also his books and accounts; that all persons claiming exemptions from road duty shall obtain a certificate from the county health board or county physician or two reputable physicians in the county; that the road commission may direct the seasons and number of days during the year road hands shall put in their 10 days work; and may make regulations under their general authority not inconsistent with this act for receiving State aid and conforming to State laws and rules by the State highway commission.

February 9th, 1911.

State of Alabama, }  
 Fayette County. }

Before me, E. E. Thomason, a notary public, in and for said county and State, personally appeared Turner A. Wilson, who, after being duly sworn, upon his oath, says that he is the editor and publisher of the Fayette Banner, a weekly newspaper, published in Fayette, Fayette county, Alabama, and that the attached notice appeared therein for four weeks consecutively, to-wit, the issues of February 9th, 16th, 23rd and March 2nd, 1911.

Turner A. Wilson,  
 Editor and Publisher, Fayette Banner.

Sworn and subscribed to before me on this the 2nd day of March, 1911.

E. E. Thomason,  
 Notary Public.

And send same herewith to the House.

J. A. Kyle,  
 Secretary.

#### SENATE MESSAGE.

The Senate bills the titles to which are set out in the above and foregoing Senate message were read one time and referred to appropriate standing committees as follows:

Revision of Laws, S. 123.  
 Local Legislation, S. 375.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills:

S. 432. To provide for a better equipment of the normal school at Moundville, Alabama, Hale county, and make an appropriation therefor.

S. 181. To appropriate out of any funds of the State not otherwise appropriated, the sum of forty thousand dollars, (\$40,000.00), to be used for the purpose of aid-

ing the erection of a dormitory for the State normal college situated at Troy, Alabama.

S. 52. To appropriate money for the Alabama normal college at Livingston, Alabama.

S. 348. To authorize the governor to rent office apartments in the city of Montgomery for the official use of State officers for whom adequate offices cannot be obtained in the capital.

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S. 420. To provide for the publication, distribution and sale of the reports of the court of appeals of Alabama.

S. 421. To amend section 9 of an act approved March 9, 1911, entitled "an act to establish a court of appeals for the State of Alabama, and to provide for the transfer of certain causes now pending in the supreme court, to said court of appeals."

S. 112. To encourage the holding of the State, district and county fairs in Alabama by appropriating funds for payment of premiums for exhibits of agricultural products, live stock and poultry, and to provide a plan for awarding premiums and paying of the same by the State of Alabama, for the exhibit of agricultural products, live stock and poultry produced, raised or bred in the State of Alabama.

S. 412. To regulate appeals and the consideration of same by the supreme court and the court of appeals and the terms of said court of appeals.

S. 278. To appropriate ten thousand dollars for the purpose of constructing and equipping a dormitory and constructing or improving other school and farm buildings for the ninth district agricultural school and experiment station at Blountsville, Alabama.

S. 190. To provide for the building and furnishing of class rooms, an assembly hall, laboratories, work shops and other buildings for the Alabama Girls Technical Institute, at Montevallo.

And sends same herewith to the House.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

The Senate bills the titles to which are set out in the above and foregoing Senate message were read one time and referred to appropriate standing committees as follows:

Appropriations, S. 432, S. 181, S. 52, S. 348, S. 420, S. 112, S. 278, S. 190.

Revision of Laws, S. 421, S. 412.

## REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

The committee on Enrolled Bills have examined the following House bills:

H. 112. To provide and create a commission form of municipal government and to establish same in all the cities of Alabama which now have, or which may hereafter have, a population of as much as one hundred thousand people according to the last Federal census, or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials; and otherwise to provide for the creation and maintenance of said commission form of government.

H. 436. For additional appropriations to those already provided for in section 2047 of the code of Alabama made out of the treasury of the State of Alabama, for the purpose named.

H. 462. To change the corporate limits of the town of Kinsey, in Houston county, Alabama.

H. 527. To authorize the board of revenue of Montgomery county to retain and employ an attorney at law; to fix the services which said attorney at law may be required to render, and to fix his compensation therefor.

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H. 540. To provide for the better construction, repairing, working and maintaining of public roads and bridges in Clay county, Alabama.

H. 566. To divide Houston county, Alabama, into four commissioners districts and to provide for the election of the commissioners from each of said districts.

H. 613. To authorize the commissioners court of Greene county, Alabama, to change the boundary lines or any part thereof of the four commissioners districts in said county.

H. 616. To amend section 5 of an act entitled "An act to provide for the appointment of an official stenographer for the second judicial circuit of Alabama and to prescribe his duties and to fix his compensation," approved August 9th, 1907.

H. 625. To amend an act entitled "An act to confer additional jurisdiction upon the county court of Monroe county, Alabama, and to regulate the proceedings therein," approved February 18th, 1907.

H. 633. To establish an inferior court for precinct number one of Walker county, Alabama, in lieu of all justices of the peace and notary public and ex-officio justices of the peace exercising the same jurisdiction as justice of the peace, in said precinct number one, to be known as the city court of Jasper, and to define the jurisdiction and powers of said court and the judge thereof, and provide for the election of the judge and the term of office.

And find same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled Bills.

RECESS.

The hour of one o'clock having arrived the House recessed until 3 o'clock P. M.

AFTERNOON SESSION.

The hour of 3 o'clock having arrived, the House reconvened.

UNFINISHED BUSINESS.

The House proceeded to the consideration of the unfinished business which was the bill:

H. 681. To secure uniformity in the assessments of property in the various counties of the State of Alabama, and to that end to increase the powers and duties of the State tax commission and to relieve the county tax commissioners of all powers and duties in connection with the assessment or back assessment of property in this State and to increase the appropriation for the support and maintenance of the State tax commission.

The question was upon the adoption of the amendment offered by Mr. Pegram.

Mr. Percy offered the following substitute for the amendment offered by Mr. Pegram:

Substitute for Pegram amendment to H. 681:

Amend the title to House bill 681 so as to read as follows:

"A bill to be entitled an act to secure uniformity and equality in the assessment of property in the various counties of the State of Alabama, and to that end to increase the powers and duties of the State tax commission, and to further prescribe the powers and duties of the assistants employed by the State tax commission, and to further provide for their compensation, and to relieve the county tax commissioners, except under special employment, of all powers and duties in connection with increases and reductions in the assessment of property in this State, and to increase the appropriation for

the support and maintenance of the State tax commission, its agents and employees."

Amend section 2 of said bill so as to read as follows:  
 "Section 2. For the purpose of better securing equalization in the assessments of property in the various counties of the State of Alabama, it shall be the duty of the State tax commission of Alabama, and it shall have ~~the power and authority, in addition to the duties, powers and authority now conferred upon it by law, to visit,~~ either in person, through one or more of its members, or through assistants designated for that purpose, each of the several counties of the State at least five days in each year, for the purpose of investigating the assessments therein, and to the end that the same may be so increased or reduced as to bring about, as nearly as may be, equality and uniformity in the basis of assessments throughout the State, and for that purpose to institute proceedings and take steps as now provided by law; to cause to be reduced or increased any assessment, in whole or in part, upon any property of any character; and the said State tax commission is empowered to employ a sufficient number of assistants, to be selected because of their familiarity with the property and taxable values, as may be necessary to perform the duties which may be required of them by the State tax commission. The assistants so employed shall be residents of the respective counties in which they are employed. The compensation of such assistants shall be fixed by the State tax commission, with the approval of the governor, provided that no assistant so employed shall receive more than two thousand dollars (\$2,000.00) per annum, exclusive of expenses, and provided that the total expenses of such assistants, as of all other expenses in connection with said State tax commission, shall be paid out of the general appropriation for the support and maintenance of said tax commission. The assistants of said tax commission designated for that purpose by said commission shall have all the power and authority in the matter of and in connection with increasing or reducing assessments heretofore conferred upon and possessed by county tax commissioners; and the county tax commission-

ers of this State shall hereafter have and exercise no powers or duties in connection with increases or reductions in the assessments of property, and shall have and exercise no powers or duties whatsoever in connection with the assessments of property, except such powers and duties as are by law given to said county tax commissioners in connection with escapes or assessments of property which has escaped assessment."

Add the following section:

Section 3 1-2. The State tax commission shall, however, have the power and authority, with the written consent and approval of the governor, to arrange with any county tax commissioner in the State for the performance by him, in addition to his duties as county tax commissioner, of any and all duties which under the law or under the terms of this act may be performed by assistants to the State tax commission, and to pay for any services performed by the county tax commissioner under such arrangement in the same manner as assistants to the State tax commission are paid; provided that the amount so paid any such tax commissioner in any year under the provisions of this section shall not exceed the amount provided to be paid herein to assistants to the State tax commission, and all such payments made to the county tax commissioners under the provisions of this section shall be paid out of the general appropriation for the support and maintenance of the State tax commission."

Amend section 6 so as to read as follows:

"Section 6. The county tax commissioners shall receive no fees, percentages or allowances on any increases in the assessments of property, and shall have no duties to perform in connection therewith; provided that nothing herein contained shall affect the duties or fees of county tax commissioners in connection with the assessments of escaped property, or in connection with delinquent licenses; and provided further that nothing contained in this section shall be construed as affecting or conflicting with the provisions of section 3 1-2 of this bill."

On motion of Mr. Arnold the bill and pending amendments were laid upon the table.

Yeas, 44; nays, 41.

**Yeas:**

Messrs:—

	Lane	Pharr
Barnard	Lane	Pharr
Brewer	Lee	Popwell
Boswell	Lloyd	Pruett
Brown (Pike)	Martin (Calhoun)	Quin
Carroll	Martin (Jackson)	Roberson
Chamberlain	Martin	Sanders
Darden	Mathews	Strickland
Edmonds	Milner	Sturdivant
Flanagan	McCurdy	Thomas
Horton	McDonald	Twombly
Huddleston	McLendon	Waits
Jenkins (Baldwin)	O'Neill	Walker
Jenkins (Bullock)	Overton	Wilhite
Johnson (Marshall)	Parks	
Knight		

—44

**Nays:**

Messrs:—

	Hollis. (Walker)	Nicholson
Speaker	Jackson	Page
Acker	James	Pegram
Bell (Autauga)	Johnson (Clarke)	Percy
Bell (Pickens)	Judge	Ramsey
Brindley	Kilburn	Rice
Brown (Tuscaloosa)	Lawson	Richeson
Burton	Letson	Rylance
Bush	Lumpkin	Smith
Capps	Merrill	Walden
Cranford	Merritt	Whatley
Fletcher	Molton	Wheless
Fuquay	Mulkey	Williams
Gewin	McGowen	
Helms		

—41

## PAIRS ANNOUNCED.

The following pairs were announced: Mr. Arnold announced that he was paired with Mr. Fowlkes. If he were present he would vote no, and Mr. Arnold would vote yea; Mr. Butt would vote yea and Mr. Stollenwerck would vote nay; Mr. Pittman would vote yea, and Mr. Lawler would vote nay; Mr. Wright would vote yea and Mr. Sullivan would vote nay.

## REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

The committee on Engrossed Bills have examined the following House bills:

H. 659. To appropriate the sum of \$43.10 for the year of 1910 to Mrs. M. M. Wise, the widow of T. B. Wise, an ex-confederate soldier, as a confederate pensioner for said year, her name having been erroneously omitted from the list of pensioners for that year.

H. 734. To amend an act entitled an act to re-arrange and extend the corporate limits of Linden, Marengo county, Alabama, approved Oct. 10th, 1903.

H. 658. To appropriate the sum of \$43.10 for the year of 1910 to Mary Snow, the widow of James Snow, an ex-confederate soldier, as a confederate pensioner for said year, her name having been erroneously omitted from the list of pensioners for that year.

H. 216. To appropriate \$2,090.06 out of the State treasury in favor of the city of Montgomery for the pavement and improvement on Monroe street extending from Bainbridge street to Union street abutting the property known as the "State Capitol Grounds."

H. 441. To empower cities of over one hundred thousand inhabitants to acquire or build, own and operate their own water works and electric light plants, and to take all the necessary steps to those ends.

H. 593. For the relief of Andrew Gray of Jefferson county, Alabama, and to authorize and direct the treasurer of Jefferson county, Alabama, to pay to said Andrew Gray or his attorney of record the sum of \$263.94

earned by the said Gray while wrongfully working as a convict at hard labor for Jefferson county, Alabama.

H. 680. To authorize the board of revenue of Jefferson county to apply a portion of the sanitary fund raised by taxation to certain construction work.

H. 610. To amend section eight hundred and ninety five (895) of the code of Alabama.

~~H. 622. To authorize the board known as the Mobile school commissioners to become indebted, in anticipation of income, for maintenance and operation of schools in Mobile county.~~

H. 152. For the relief of Simon Marx, of Tuskegee, Macon county, who has heretofore purchased and now owns a large number of the certificates of State witnesses in cases where parties were indicted by the grand jury but who have not yet been arrested, by making such certificated lawful claims against the fine and forfeiture fund of Macon county, Alabama, providing for the payment of such claims and for the disposition of money thereafter collected on account of such certificates, and to repeal all laws and parts of laws in conflict with this act in so far as the payment of said certificates are concerned.

H. 693. To dissolve the corporate existence of the town of Coal City, Alabama.

H. 619. To amend section 1357 of the code of Alabama of 1907.

H. 623. To authorize and empower the City of Mobile and the County of Mobile to make appropriations from funds in their respective treasuries to be paid to the Mobile School Commissioners for the erection and equipment of a public high school building and other public school buildings in the City of Mobile and County of Mobile.

H. 626. To allow the clerk of the circuit court of St. Clair county, one assistant during the days the circuit court is in session at Ashville, and at Pell City. To define his duties, fix his compensation, and to repeal conflicting laws.

H. 732. To amend section 3231 of the code of Alabama.

H. 429. To prevent the catching of fish from Alabama waters for commercial purposes by non-residents of Alabama.

H. 621. In aid of the public school system of Mobile county under the administration of the board known as the Mobile school commissioners.

H. 541. To establish a board of revenue for Covington county.

H. 534. To confer additional jurisdiction upon the county court of Winston county, Alabama, and to regulate the proceedings therein.

H. 582. To alter, to re-arrange the boundaries of the town of Athens, Limestone county, Alabama.

And find same correctly engrossed.

A. K. Merrill,  
Chairman.

The report of the committee was concurred in.

RECESS.

On motion of Mr. Williams, the House recessed until 8 o'clock P. M.

NIGHT SESSION.

The hour of eight o'clock having arrived, the House reconvened.

BILLS ON THIRD READING.

H. 710. To authorize the county of Shelby, State of Alabama, to issue long time interest bearing warrants to an amount not exceeding thirty thousand dollars for the purpose of funding its outstanding indebtedness, and the accrued interest thereon.

Was read a third time at length and passed.

Yeas, 58; nays, 2.



# 1920 JOURNAL HOUSE REPRESENTATIVES, 1911.

## Yeas:

Messrs:—

Speaker	Jenkins (Baldwin)	Page
Acker	Jenkins (Bullock)	Parks
Arnold	Johnson (Clarke)	Percy
Barnard	Johnson (Marshall)	Pittman
Bell (Autauga)	Judge	Pitts
Bell (Pickens)	Knight	Portwell

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Brewer	Lawson	Preston
Boswell	Lee	Pruett
Crown (Pike)	Letson	Quin
Brown (Tuscaloosa)	Lumpkin	Ramsey
Barton	Martin (Calhoun)	Rice
Butt	Martin (Jackson)	Richeson
Carroll	Mastin	Sanders
Chamberlain	Mathews	Smith
Cranford	Merrill	Strickland
Edmonds	Merritt	Stollenwerck
Flanagan	Milner	Sturdivant
Fletcher	Molton	Thomas
Fuquay	Mulkey	Twombly
Gewin	McCurdy	Waits
Greene	McDonald	Walden
Helms	McGowen	Walker
Hood	Nicholson	Wheless
Jackson	Overton	Wilhite
James		

—58

## Nays:

Messrs:—

Dennis	Doswell
--------	---------

—2

H. 600. (With amendment.) To authorize counties in the State of Alabama, whose bonded or other indebtedness does not exceed \$50,000 at the time of the negotiation, to borrow an amount of money not exceeding \$50,000 to be used in the building, constructing and maintaining the public roads and highways of such county, and to authorize the issuance of warrants not to extend beyond ten years in payment thereof, and to prescribe the rate of interest to be charged.

The question was upon the adoption of the amendment reported by the standing committee on Revision of Laws. By unanimous consent, the amendment was withdrawn, and the bill:

H. 600. To authorize Counties in the State of Alabama, whose bonded or other indebtedness does not exceed \$50,000 at the time of the negotiation, to borrow an amount of money not exceeding \$50,000 to be used in the building, constructing and maintaining the public roads and highways of such County, and to authorize the issuance of warrants not to extend beyond ten years in payment thereof, and to prescribe the rate of interest to be charged.

Was read a third time at length and passed.

Yeas, 59; nays, 3.

Yeas:

Messrs:—

Acker	Jackson	Pittman
Arnold	Jenkins (Baldwin)	Pitts
Barnard	Jenkins (Bullock)	Popwell
Bell (Pickens)	Johnson (Marshall)	Preston
Boswell	Lawson	Pruett
Brown (Pike)	Letson	Quinn
Brown (Tuscaloosa)	Lumpkin	Rice
Bush	Martin (Jackson)	Richeson
Butt	Mathews	Roberson
Capps	Merritt	Strickland
Chamberlain	Milner	Stollenwerck
Cranford	Molton	Sturdivant
Edmonds	Mulkey	Twombly
Flanagan	McCurdy	Waits
Fletcher	McDonald	Walden
Fuquay	Nicholson	Walker
Gewin	Overton	Whatley
Greene	Page	Wheless
Helms	Parks	Wilhite
Hood	Pegram	

Nays:

Messrs:—

Martin (Calhoun)

Merrill

Thomas

—3

S. 192. (With amendment.) To amend section 3720 of the code of Alabama of 1907.

Was taken up.

The question was upon the adoption of the amendment reported by the standing committee on Revision of Laws, said amendment being as follows:

Amend said bill by adding after the following words, "discharging his duties in relation to public roads on proof to the county commissioners that he has discharged such duties annually to be paid out of the county treasury not exceeding four hundred dollars"; provided this shall not apply to any probate judge who receives net annual compensation from his office exceeding five thousand dollars.

And the amendment was adopted.

Yeas, 44; nays, 9.

Yeas:

Messrs:—

Acker

Lee

Pitts

Arnold

Letson

Popwell

Barnard

Lumpkin

Preston

Brewer

Martin (Jackson)

Quin

Brown (Tuscaloosa)

Mastin

Ramsey

Burton

Merritt

Rice

Bush

Molton

Roberson

Butt

Mulkey

Stollenwerck

Chamberlain

McCurdy

Sturdivant

Cranford

McDonald

Sullivan

Edmonds

McGowen

Thomas

Flanagan

Nicholson

Twombly

Jackson

Parks

Waites

Kilburn

Pharr

Willhite

Lawson

Pegram

—44

**Nays:**

Messrs:—

Hood	Pruett	Walker
Jenkins (Baldwin)	Walden	Whatley
Johnson (Marshall)		

And the bill:

H. 192. To amend section 3720 of the code of Alabama of 1907.

As amended was read a third time at length and passed.

Yeas, 45; nays 33.

**Yeas:**

Messrs:—

Speaker	Johnson (Clarke)	Nicholson
Acker	Judge	Page
Arnold	Kilburn	Parks
Bell (Autauga)	Knight	Pegram
Brindley	Lavender	Percy
Bush	Lawson	Pitts
Butt	Lee	Preston
Chamberlain	Lumpkin	Quinn
Cranford	Martin (Calhoun)	Rice
Edmonds	Martin (Jackson)	Roberson
Fletcher	Merritt	Strickland
Greene	Molton	Sturdivant
Helms	Mulkey	Sullivan
Jackson	McCurdy	Waits
James	McGowen	Walden

**Nays:**

Messrs:—

Barnard	Flanagan	Letson
Bell (Pickens)	Fuquay	Mathews
Boswell	Gewin	Merrill
Brown (Tuscaloosa)	Hood	Milner
Burton	Jenkins (Baldwin)	McDonald
Capps	Jenkins (Bullock)	Overton
Carroll	Johnson (Marshall)	Pharr

Pittman	Richeson	Walker
Popwell	Sanders	Whatley
Pruett	Stollenwerck	Wheless
Ramsey	Thomas	Wilhite

—33

**S. 285.** To authorize the introduction in evidence of documents executed prior to February 12, 1879, by the governor in person or in his name by his secretary, purporting to convey any of the State's lands, but ineffective as conveyances, and certified copies of the record of any such documents which have been recorded for as much as twenty years, and to prescribe the probative effect of such documents and copies.

Was read a third time at length and passed.

Yeas, 60; nays, 1.

**Yeas:**

Messrs:—

Speaker	Hood	McGowen
Acker	Jackson	Nicholson
Arnold	James	Page
Barnard	Johnson (Marshall)	Parks
Bell (Autauga)	Judge	Pharr
Bell (Pickens)	Kilburn	Percy
Brewer	Knight	Pitts
Brown (Tuscaloosa)	Lee	Popwell
Burton	Letson	Preston
Bush	Lumpkin	Pruett
Butt	Martin (Calhoun)	Quinn
Capps	Martin (Jackson)	Ramsey
Chamberlain	Mastin	Roberson
Cranford	Merrill	Strickland
Edmonds	Merritt	Stollenwerck
Flanagan	Milner	Sturdivant
Fletcher	Molton	Sullivan
Fuquay	Mulkey	Waits
Gewin	McCurdy	Walden
Greene	McDonald	Wilhite

—60

**Nays:**

Mr. Overton.

—1

S. 262. To amend section 6169 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 56; nays, 1.

Yeas:

Messrs:—

Speaker	Hood	McDonald
Acker	Jackson	McGowen
Barnard	James	Nicholson
Bell (Autauga)	Jenkins (Baldwin)	Overton
Brewer	Johnson (Marshall)	Parks
Brindley	Judge	Pharr
Brown (Tuscaloosa)	Knight	Pittman
Burton	Lawson	Popwell
Bush	Lee	Pruett
Butt	Letson	Quin
Capps	Lumpkin	Ramsey
Carroll	Martin (Calhoun)	Rice
Chamberlain	Martin (Jackson)	Richeson
Cranford	Mathews	Smith
Edmonds	Merritt	Stollenwerck
Flanagan	Milner	Sullivan
Fletcher	Molton	Waits
Fuquay	Mulkey	Wheeless
Greene	McCurdy	

—56

Nays:

Mr. Pitts.

—1

H. 282. To amend sections 1861, 1862 and 1863 of the code of Alabama.

Was taken up.

The question was upon the adoption of the amendment reported by the standing committee on Appropriations, said amendment being as follows:

Amend House bill 282 by making section 2 read as follows:

Section 2. That section 1862 of the code of 1907 be amended so as to read as follows:

Section 1862. *Sites procured; annual donations paid quarterly.*—For any county in which the citizens thereof shall secure a suitable site which shall consist of not less than five acres of land, the title to the surface of which shall be in fee (but the land need not include mineral rights) and erect thereon a good and substantial building with all the necessary equipments for a high school, the cost of said building to be not less than \$5,000.00, and upon making a deed to the State of Alabama of said land, building and equipment, there shall be appropriated out of any money in the treasury, not otherwise appropriated, the sum of \$3,000.00 and this appropriation is hereby made to continue annually, beginning July 1st, 1911. Provided further that all appropriations made by the State and otherwise must be paid quarterly and in accordance with the rules and regulations made by the high school commission.

And the amendment was adopted.

Yeas, 56; nays, 2.

**Yeas:**

Messrs:—

Speaker	James	Nicholson
Acker	Jenkins (Baldwin)	Overton
Arnold	Johnson (Marshall)	Parks
Barnard	Judge	Percy
Brindley	Kilburn	Pittman
Brown (Tuscaloosa)	Knight	Pitts
Burton	Lavender	Popwell
Bush	Lawson	Pruett
Butt	Lee	Quinn
Capps	Letson	Ramsey
Carroll	Lumpkin	Rice
Chamberlain	Martin (Calhoun)	Strickland
Cranford	Merrill	Stollenwerck
Edmonds	Merritt	Sturdivant
Fletcher	Molton	Sullivan
Gewin	Mulkey	Thomas
Greene	McCurdy	Waits
Hood	McDonald	Wheless
Jackson	McGowen	

Nays:

Messrs:—

Flanagan

Wilhite

—2

And the bill,

H. 282. To amend sections 1861, 1862 and 1863 of the code of Alabama.

As amended was read a third time at length and passed.

Yeas, 58; nays, 3.

Yeas:

Messrs:—

Speaker	James	Pegram
Acker	Jenkins (Baldwin)	Percy
Arnold	Johnson (Clarke)	Pittman
Barnard	Johnson (Marshall)	Pitts
Brewer	Judge	Popwell
Brindley	Kilburn	Preston
Burton	Knight	Pruett
Bush	Lavender	Quinn
Butt	Letson	Ramsey
Capps	Lumpkin	Rice
Carroll	Martin (Calhoun)	Stollenwerck
Chamberlain	Merrill	Sturdivant
Cranford	Merritt	Sullivan
Edmonds	Molton	Thomas
Flanagan	Mulkey	Waites
Fletcher	McGowen	Walden
Fuquay	Nicholson	Walker
Greene	Page	Whatley
Hood	Parks	Wheless
Jackson		

—58

Nays:

Huddleston

Overton

Wilhite

—3

S. 280. To amend section 735 of the code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 55; nays, 0.



Yeas :

Messrs:—

Speaker	Helms	McGowen
Acker	Hood	Nicholson
Arnold	Jackson	Pegram
Barriard	James	Percy
Bell (Pickens)	Johnson (Clarke)	Pitts
Brewer	Judge	Preston
Brindley	Kilburn	Ramsey
Boswell	Knight	Rice
Brown (Tuscaloosa)	Lawson	Smith
Burton	Lee	Stollenwerck
Bush	Letson	Sullivan
Capps	Lumpkin	Waites
Chamberlain	Martin (Calhoun)	Walden
Cranford	Merrill	Whately
Edmonds	Merritt	Wheless
Flanagan	Milner	Wilhite
Fuquay	Molton	Williams
Gewin	Mulkey	Wright
Greene		

—55

H. 127. (With substitute.) To make appropriation for the maintenance of the Alabama industrial school for white boys for the years 1911, 1912, 1913 and 1914.

Was taken up.

The question was upon the substitute reported by the standing committee on Appropriations, said substitute being as follows:

#### A BILL

To be entitled an act to make appropriation for the maintenance of the Alabama industrial school for white boys for the years 1911, 1912, 1913 and 1914 and to make provision for an existing indebtedness of said school.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the sum of \$150.00 per year for each inmate of the Alabama industrial school for white boys is hereby appropriated out of any money in the State treasury for each of the years 1911, 1912, 1913 and 1914.

Sec. 2. That the State auditor be and is hereby authorized and directed to draw his warrant on the State treasurer in favor of the treasurer of the Alabama industrial school for white boys quarterly for the payment of said amounts, and that the treasurer or other officer of said school shall make an affidavit at the beginning of each quarter showing the number of inmates of said schools during the preceding quarter.

Sec. 3. That the sum of \$7,500.00 be appropriated out of any money in the State treasury not otherwise appropriated to pay an indebtedness of said school existing on December 31st, 1910.

And the substitute was adopted.

Yeas, 54; nays, 5.

**Yeas:**

**Messrs:—**

Speaker	Jackson	McGowen
Acker	James	Nicholson
Arnold	Jenkins (Baldwin)	Page
Barnard	Johnson (Marshall)	Pharr
Bell (Autauga)	Judge	Pegram
Brindley	Kilburn	Percy
Boswell	Lavender	Pittman
Brown (Tuscaloosa)	Lawson	Preston
Bush	Letson	Pruett
Butt	Lumpkin	Quinn
Capps	Martin (Calhoun)	Ramsey
Carroll	Martin (Jackson)	Rice
Chamberlain	Mathews	Roberson
Cranford	Merrill	Stollenwerck
Edmonds	Merritt	Sullivan
Fletcher	Moiton	Thomas
Greene	Mulkey	Watts
Hood	McDonald	Wheless

—54

**Nays:**

**Messrs:—**

Flanagan	Pitts	Whatley
Fuquay	Sturdivant	

—5

And the bill:

H. 127. To make appropriation for the maintenance of the Alabama industrial school for white boys for the years 1911, 1912, 1913 and 1914.

As amended by the substitute was read a third time at length and passed.

Yeas, 59; nays, 3.

**Yeas:**

Messrs:—

Speaker	Jackson	Overton
Acker	James	Page
Arnold	Jenkins (Baldwin)	Pharr
Barnard	Johnson (Clarke)	Pegram
Brewer	Johnson (Marshall)	Percy
Brindley	Judge	Pitts
Boswell	Kilburn	Preston
Brown (Tuscaloosa)	Letson	Pruett
Burton	Lumpkin	Quinn
Bush	Martin (Calhoun)	Ramsey
Butt	Martin (Jackson)	Rice
Carroll	Mathews	Roberson
Chamberlain	Merrill	Stollenwerck
Cranford	Merritt	Sturdivant
Fletcher	Molton	Sullivan
Fuquay	Mulkey	Thomas
Gewin	McCurdy	Waits
Greene	McDonald	Walden
Hood	McGowen	Wheless
Huddleston	Nicholson	

—59

**Nays:**

Messrs:—

Capps	Helms	Whatley
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—3

**REPORT FROM COMMITTEE ON ENROLLED BILLS.**

Mr. Speaker:

The committee on Enrolled Bills have examined the following House bills:

H. 175. To amend section 3613 of the code of Alabama.

H. 468. To amend an act entitled "An act to create and establish the Marengo law and equity court for Marengo county," approved on the 26th day of August, 1909.

H. 538. To amend section five of an act, approved August 26, 1909, entitled an act to create and establish the Marengo law and equity court for Marengo county.

H. 543. To amend sections 2, 3, 4 and 5 of an act entitled an act to declare the powers and jurisdiction of the city court of Gadsden, in Etowah county, approved February 27th, 1901.

H. 663. To prevent in certain cases the sale, purchase, exchange or barter of cotton in the seed in Greene county, Alabama, and to provide for exceptions. And find same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled Bills.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

By Mr. Godbold:

S. J. R. 112. Be it resolved by the Senate, the House concurring, That when the two bodies adjourn today that it be to reconvene Wednesday, March 29th, 1911, at ten o'clock A. M.

And sends same herewith to the House.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

On motion of Mr. Brindley, the House concurred in and adopted the Senate joint resolution No. 112 which is set out in the above and foregoing Senate message.

MESSAGE FROM THE SENATE.

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Mr. Speaker :

The Senate has amended as therein shown, and as amended has passed the following bill:

H. 691. To further provide for the revenue of the State of Alabama.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

On motion of Mr. Brindley the House concurred in the Senate amendments to the bill, H. 691, said amendments being as follows:

Amend House bill 691 as follows:

By striking out of section 1 the words, "in more than one county and" in line 2 of said section 1.

By inserting the words, "or telephone" between the words, "telegraph" and "company" in lines 5 and 6 of said section 1.

By striking out the words, "operating in more than one county" in line 9 of said section 1.

By striking out the words, "two hundred" where they appear in lines 9 and 10 of said section 1, and inserting in lieu thereof the words, "one hundred and fifty."

By striking out the words, "operating in more than one county" in lines 10 and 11 of said section 1.

By striking out the words, "two hundred" where they appear in line 11 of said section, and inserting in lieu thereof the words, "one hundred and fifty."

By striking out the word "three" where it appears in line 11 of said section, and inserting in lieu thereof the word "five."

By inserting after the word "dollars" in said section 1 in line 11, the following words, "together with one dollar for each additional mile within the State."

By striking out of section 2 the word "fifty" where it appears in line 25 of said section 2, and inserting in lieu thereof the words, "seventy-five."

By striking out the words "seventy-five" where they appear in lines 27 and 28 of said section 2 and inserting in lieu thereof the words "one hundred and twenty-five."

By striking out the words "one hundred," where they appear in lines 29 and 30 of said section 2, and inserting in lieu thereof the words "one hundred and seventy-five."

By striking out the words "one hundred and twenty-five" where they appear in line 32 of said section 2, and inserting in lieu thereof the words "two hundred."

By striking out the words "one hundred and seventy-five" where they appear in line 34 of said section 2, and inserting in lieu thereof the words "two hundred and fifty."

By striking out the words "two hundred and fifty" where they appear in line 36 of said section 2, and inserting in lieu thereof the words "three hundred."

By striking out of section 4 the words "shall forever be debarred from doing business in this State and," where they appear in line 13, page 3 of said section 4.

By striking out after the word "tax," where it appears in line 14 of said section, all of said section 4 down to but not including the word "upon the payment, etc." in line 44, and inserting in lieu thereof the following:

"After the year 1911, no license or privilege tax, or other charge for the privilege of doing business, shall be imposed by any municipal corporation upon any fire or marine insurance company, doing business in such municipality, except upon a percentage of each one hundred dollars of gross premiums, less the premium returned by cancellation on policies issued during the preceding year in such municipality; provided, that

such percentage shall not exceed four dollars on each one hundred dollars and major fraction thereof of such gross premiums; provided, however, that any municipality may charge a flat minimum license at the beginning of each year for new companies doing business therein on which there shall be an adjustment at the expiration of such year upon such percentage basis as may be fixed by said municipality; and provided further that such percentage shall not exceed four per cent. of the gross premiums collected, less return premiums received by such companies on policies issued during the preceding year in such municipality:

"And in addition to said amount paid the State, there may by ordinance be levied and collected by the several cities and towns of the State from every insurance company other than fire and marine insurance companies, for the privilege of doing business within the limits of said cities and towns, a privilege or license tax, to be computed and based on the population of said cities and towns as fixed by the last federal census, not exceeding the following scale, to-wit:

"1. Each such insurance company in cities and towns having a population of five thousand or less, ten dollars, and one dollar on each one hundred dollars and major fraction thereof of gross premiums, less the premiums returned by cancellation, received during the preceding year on policies issued during said year, to citizens of said cities and towns.

"2. Each such insurance company in cities and towns having a population of five thousand and not over ten thousand, fifteen dollars, and one dollar on each one hundred dollars and major fraction thereof of gross premiums, less the premiums returned by cancellation, received during the preceding year on policies issued during said year to citizens of said cities and towns.

"3. Each such insurance company in cities and towns having a population of ten thousand and not exceeding fifty thousand, twenty dollars, and one dollar on each one hundred dollars and major fraction thereof of gross premiums, less the premiums return-

ed by cancellation, received during the preceding year on policies issued during said year to citizens of said cities and towns.

"4. Each such insurance company in cities and towns having a population of more than fifty thousand fifty dollars and one dollar on each one hundred dollars and major fraction thereof of gross premiums, less the premiums returned by cancellation, received during the preceding year on policies issued during said year to citizens of said cities and towns."

By inserting after the word "moneys" in section 5 the word "hoarded" and the word "solvent" between the words "and" and "credits" in line 5 of said section 5 on page 4.

By striking out the words "or on deposit anywhere" where they appear in line 5, page 4 of said section 5.

By inserting the words "except moneys on deposit in bank and " between the words "preceding" and "except" in line 6 of said section 5.

By inserting the words "but not to go back further than five years from the appointment of such administrator, executor, guardian, trustee, accounting officer or receiver" between the words "State" and "and" in line 14 of said section 5.

By striking out, beginning with the words in lines 19 and 20, "no partial or final distribution, etc." the remainder of said section 5.

By adding the following as section 5 1-2:

"5 1-2. The tax assessor in order to make proper assessment, shall require each person, firm, association or corporation making a return to furnish or give under oath, the amount of insurance on all property so returned for taxation, for the previous calendar year, or at any time during said year, except on household and kitchen furniture, and he shall have a right to demand a copy of the last inventory made of any property subject to taxation, and shall also, by inquiry of persons believed to have knowledge of the same, inform himself as to the value of such property. From such information, and such other information as he



may obtain, he shall assess the same upon the best judgment he can form."

By inserting in section 6 the words "with the name of the owner set opposite each subdivision" between the words "highest" and "and" in line 11, page 4, of said section 6.

By striking out of section 10 the words "one dollar" and inserting in lieu thereof the words, "fifty cents."

By amending section 11 so as to make it read as follows:

"The following license tax or registration fee shall be charged on automobiles used for private use.

Seven and one-half dollars upon each automobile having a rating of less than twenty horse power; \$12.50 upon each automobile having a rating of twenty horse power and less than 30 horse power; \$17.50 upon each automobile having a rating of 30 horse power and less than 40 horse power; \$20.00 upon each automobile having a rating of 40 horse power, or more and such fee shall be based on the insurable horse power of the car. Twelve dollars and one-half on each electric automobile, and fifteen dollars on each automobile propelled by steam. Three dollars on each motorcycle. The following license tax or registration fee shall be charged on automobiles used for hire: Upon each automobile used for public hire in transporting passengers or freight, \$25.00. Each manufacturer or dealer in automobiles shall pay a license tax of \$100.00. Each person, firm or corporation conducting a garage or garages, shall pay a license tax of one hundred dollars for each garage. Said several sums of money charged as a license tax herein shall be paid to the secretary of State, and forty per centum of the gross revenue derived from any incorporated city or town shall revert to the treasurer of the city or town in which the owner or licensee resides, and forty per cent. of the gross revenue derived from any county outside of any incorporated city or town shall likewise revert to the treasurer of said county. The registration fee or license tax shall be in lieu of all other privilege license which the State

or any county or municipality thereof might impose, but nothing in this section shall be construed to prevent the collection of any ad valorem tax.

By striking out of section 12 the words, "the following franchise tax: corporations whose capital stock does not exceed fifty thousand dollars, one dollar per thousand dollars of its capital stock up to and including fifty thousand dollars;" where they appear in lines 2 and 3 of said section 12, page 5, and inserting in lieu thereof the following words: "a franchise tax of fifty cents per thousand dollars of its paid up capital stock.

By inserting the words "paid up," between the words "whose" and "capital" in line 6 of said section 12.

By inserting the words "paid up" between the words "whose" and "capital" in lines 8 and 9 of said section 12.

By inserting the words "and building and loan associations," between the words "institutions" and "regularly" in line 39, page 6 of said section 12.

Add at the end of section 12, the following:

"Provided, however, that the amount of franchise tax paid by public utility corporations under the provisions of this section shall be allowed as credit against their franchise or intangible property tax."

By striking out of section 13 the words "after the passage of this act," where they appear in line 2 of said section 13, page 6.

By inserting the word "other" between the words, "all" and "property" in line 10 of said section 13.

By striking out the words "also all other property now exempt from taxation by law," where they appear in lines 11 and 12 of said section 13.

By adding after the words "fair association" the words "all money on deposit in bank."

By inserting in section 14 the words "of section 2082" between the words "seven" and "of," in line 4, page 6 of said section 14.

By adding at the end of section 15, the following words: "which tax shall be in lieu of any other bottling tax required by this section for bottling any soft drinks thereunder."

By striking out of section 17 the word "five" where it appears in line 8, page 7, of said section 17, and inserting in lieu thereof the word "ten."

By striking out the word "five" where it appears in line 9 of said section 17, and inserting in lieu thereof the word "ten."

By inserting the words, "provided, such business is now or may hereafter be authorized by law," after the word "dollars" where said word appears in said section, and by striking out the word fifteen where they appear and inserting in lieu thereof "twenty-five."

In section 22, by inserting the words "pistol cartridges, rifles, rifle cartridges," between the words "pistol" and "bowie knives" in lines 1 and 2 of said section 22.

By inserting in section 23 the word "oil" between the words "tank" and "is" in line 2, page 8, of said section 23.

By striking out the words "in cities and towns of more than ten thousand inhabitants" in lines 2 and 3 of said section 23.

By striking out section 24 and substituting in lieu thereof the following:

"Section 24. Any unincorporated bank, private bank, or institution doing a banking business that is not incorporated, shall be assessed at a fair and reasonable cash value. For the purpose of aiding in determining the amount of such assessment the owner, president, cashier or manager of such bank shall under oath file with the tax assessor a statement showing the capital stock of said bank, its surplus, undivided profits, not included in the surplus, and all real estate owned by said bank and situated in the State, with a description of the same, and the value of such real estate, and the name of the person or the names of the persons who own said bank, what interest or interests in said bank have been sold during the past twelve months, the price of the same, the names of the sellers and purchasers, the annual dividends declared by such bank for the last three years, and the amount of the capital stock, surplus and the undivided profits not included in the surplus. The tax assessor may examine any person with reference to the matters men-

tioned in said affidavit. From all the sources of information herein provided for and from any other information that he may have or obtain, the assessor shall determine the amount of such capital stock, surplus, undivided profits not included in the surplus and the value of the real estate of such bank. From the amount of the sum of the capital stock, surplus and undivided profits not included in the surplus so determined, the assessor shall deduct the value of the real estate of said bank. The bank shall pay tax on the real estate and on the residue of all of its capital as above determined."

By striking out section 25, and substituting in lieu thereof the following:

Section 25. Every share of any incorporated bank or banking association incorporated under the laws of this State, or any other State, or of the United States, to be assessed and collected in the county, city, town or village where any such bank is located, and to be assessed at its fair and reasonable cash value to the person in whose name such share stands on the books of such bank, and not to the bank or corporation. For the purpose of aiding in determining the value of such shares, the president or cashier of every such bank or banking association shall make out and return under oath to the assessor of the county in which the bank is located, a list showing the total number of shares of the capital stock of such bank, the full name and residence of every shareholder as far as known, the fair and reasonable cash value of such shares and the par value thereof, what sales of stock have been made during the last twelve months, with the names of the sellers and purchasers thereof, the price paid for same, annual dividend declared upon the stock of such bank for the last three years, the value of the shares as shown by the books of the corporation and by the last report of the officers to the shareholders, the amount of the surplus and the amount of undivided profits not included in the surplus, and such president and cashier shall at the same time, return to the assessor of the county, a sworn statement of all real estate owned by the bank, situated in the State, and the value thereof as the same is to be assessed for

taxation the same year. The assessor may examine any person with reference to the matters mentioned in said affidavit; thereupon the assessor shall, after passing upon such valuations, or assessment, deduct from the amount or sum at which the whole of the shares are assessed, the amount or sum at which the real estate situated in the State and belonging to such bank is assessed for taxation; and the residue of values remaining after such deduction shall be the assessed value of the whole of such shares, any such residue divided by the whole number of shares, shall constitute the value of each share for taxation, and the bank shall pay for the shareholder the tax assessed against such shares. It is the intent and meaning of this subdivision that the real estate of every such bank shall be assessed for taxation against the bank as other real estate in this State is assessed to the owners thereof, and that the bank shall pay the taxes thereon, and that the shares shall be assessed for taxation against the share holders at their fair and reasonable cash value as above determined, after deducting therefrom the assessed value of the real estate of the bank, and that the bank shall pay for the shareholders respectively the tax so assessed against their shares. In arriving at the fair and reasonable cash value of the shares, there must be considered everything which gives them value, such as the franchise, capital stock, and the assets of the bank, the real and personal property, the reserve fund and surplus, the undivided profits not included in the surplus, and all other interests of the shareholders that would pass to a purchaser on a transfer of his stock; and except as herein expressly provided, no separate tax shall be levied upon these elements of value, or any of them.

It shall be no ground of objection to such assessment or shares that it is entered upon the assessment book in the corporate name of the bank."

By striking out section 26.

By striking out the word "ten" in section 29 and inserting in lieu thereof the words "twenty-five." By striking out the word "ten" in section 30 and inserting in lieu thereof the words, "twenty-five."

By inserting in section 31 the words "livery and sales stables," between the words "merchant" and "selling" in line 4 of said section 31. By striking out of section 32 the word "ten" and inserting in lieu thereof the words "twenty-five." By striking out of section 33 the word "fifty" in line 3 of said section, and inserting in lieu thereof the words, "one hundred." By striking out the words "twenty-five dollars" in line 4 and inserting "fifty dollars." By inserting the words "in cities of five thousand to ten thousand, twenty-five dollars" after the words "twenty-five dollars" in line 4 of said section.

By inserting in section 33 1-2 the word "and" between the words "dentistry" and "veterinary" in line 7 of said section 33 1-2.

By inserting the words "and any," between the words "surgery" and "optician" in line 2 of said section 33 1-2.

By striking out the word "and" in line 3 of said section between the words "engineer" and "having."

By striking out the words "in any incorporated town or city," in line 3 of said section 33 1-2.

By striking out the word "their" where it appears in line 3 of said section 33 1-2 and inserting in lieu thereof the word "his."

By striking out the words "for the State only of five" in line 4 of said section 33 1-2, and inserting in lieu thereof the word "ten."

By striking out the words "law or medicine" in line 5 of said section 33 1-2, and inserting in lieu thereof the words "any of these professions."

By inserting at the end of said section 33 1-2 the following words: "provided further that no person shall be required to pay this tax until after he has practiced his profession for one year."

By striking out of section 33a the word "fifteen" where it appears in line 3 of said section 33a and inserting in lieu thereof the word "thirty."

By striking out the word "twenty-five" where it appears in line 4 of said section 33a and inserting in lieu thereof the word "fifty."

By striking out the word "fifty" where it appears in line 4 of said section 33a and inserting in lieu thereof the words "one hundred."

By striking out section 33 B.

By adding to section 33 C. at the end of said section the following: "Provided this tax shall not apply to corporations who are required to pay the tax under section 12."

By striking out of section 33D the word "four" where it appears in line 22 of said section 33D, and inserting in lieu thereof the word "three."

By striking out of section 33G the words, "any person, firm or corporation who engages in or carries on any business or who does any act for which a license is by law required, without first having paid for and taken out a license therefor, cannot enforce any contract growing out of such business," where they appear in lines 4, 5 and 6.

By adding between sections 36 and 37 the following:

"Section 36A. That the taxable property within this State shall be assessed, for the purpose of taxation, at sixty per cent. of its fair and reasonable cash value.

Section 36B. The maximum amount of privilege or license tax which the several municipalities within this State may annually assess and collect of persons, firms or corporations operating railroads in this State as common carriers for the privilege of doing an intra-state business within the limits of such municipalities, whether such companies are incorporated under the laws of this State or any other State, or whether incorporated at all or not, is hereby prescribed and fixed as follows:

In municipalities having a population of not exceeding two hundred and fifty inhabitants, ten dollars; in municipalities having a population of more than two hundred and fifty inhabitants and not exceeding five hundred inhabitants, fifteen dollars; in municipalities having a population of more than five hundred inhabitants and not exceeding seven hundred and fifty inhabitants, twenty dollars.

In municipalities having a population of more than one thousand inhabitants and not exceeding five thousand inhabitants, twenty-five dollars for the first one thousand inhabitants and twenty-five for each addi-

tional one thousand inhabitants, or majority fraction thereof.

In municipalities having a population of more than five thousand inhabitants and not exceeding ten thousand inhabitants, twenty-five dollars for the first one thousand inhabitants, and thirty dollars for each additional one thousand inhabitants, or majority fraction thereof.

In municipalities having a population of more than ten thousand inhabitants, twenty-five dollars for the first one thousand inhabitants and thirty-five dollars for each additional one thousand inhabitants or majority fraction thereof; but in no case shall any municipality assess or collect such a privilege or license tax exceeding two thousand dollars.

In arriving at the amount of privilege or license tax which may be assessed and collected under the provisions of this subdivision the population of the several cities and towns shall be computed and based upon the federal census next preceding the year for which such license tax is assessed from year to year.

Section 36C. For the purpose of better securing equalization in the assessment of property in the various counties of the State of Alabama, it shall be the duty of the State tax commission of Alabama, and it shall have the power and authority, in addition to the duties, powers and authority now conferred upon it by law, to visit either in person, through one or more of its members, or through assistants designated for that purpose each of the several counties of the State at least five days in each year, for the purpose of investigating the assessments therein, and to the end that the same may be so increased or reduced as to bring about, as nearly as may be, equality and uniformity in the basis of assessments throughout the State, and for that purpose to institute proceedings and to take steps as now provided by law; to cause to be reduced or increased any assessment; in whole or in part, upon any property of any character; and the said State tax commission is empowered to employ a sufficient number of assistants, to be selected because of their familiarity with the property and taxable values, as may be necessary to perform the duties which may be required of



them by the State tax commission. The compensation of such assistants shall be fixed by the State tax commission, with the approval of the governor, provided that no assistant so employed shall receive more than two thousand four hundred dollars (\$2,400.00) per annum, exclusive of expenses, and provided that the total expense of such assistants, as of all other expenses in connection with the support and maintenance of said tax commission shall be paid out of the general appropriation for the support and maintenance of said tax commission. The assistants of the said tax commission designated for that purpose by said commission shall have all the power and authority in the matter of and in connection with increasing or reducing assessments heretofore conferred upon and possessed by the county tax commissioners; and the county tax commissioners of this State shall hereafter have and exercise no powers or duties in connection with increases or reductions in the assessments of property, and shall have and exercise no powers or duties whatsoever in connection with the assessment of property, except such powers and duties as are by law given to said county tax commissioners in connection with escapes of assessments of property which has escaped assessment. The county tax commissioners shall receive no fees or allowances in connection with increases of assessments other than escapes. This shall not affect the county tax commissioners' duties or fees in connection with delinquent licenses.

Section 36D. The entire appropriation for the State tax commission together with every item of expense allowed therefor shall not exceed in any one year the total sum of fifty thousand dollars (\$50,000), which sum, or as much thereof as may be necessary is hereby appropriated annually.

Section 36E. When any assessment has been made or valuation fixed by the State tax commission, or by its assistants, or by the judgment of any court of record, the property so assessed shall not be assessed at any greater or less valuation, or for any greater or less amount, for the next succeeding year, unless there shall be a change in the condition of the improvements on said property, in which event the assess-

ment may be increased or reduced to the extent only of the increase or reduction in the valuation of the improvements."

Sec. 36F. The maximum amount of privilege or license tax which the several municipalities within the State may annually assess and collect of persons, firms, or corporations operating street railroads, electric light companies, gas companies, steam heating companies and water works companies under the laws of this State or any other State, or whether incorporated at all or not, shall not exceed two per centum of the gross receipts of said business of such persons, firms, or corporations, provided, however, that the amount paid by such persons, firms or corporations as intangible property tax to such municipalities shall be allowed as a credit on and against the said privilege or license tax.

Amendment by Mr. Tunstall:

By adding the following section:

Section --- That subdivision 69 of section 2361 of the code be amended so as to read as follows:

69 (61). For each peddler of medicine or other articles of like character, one hundred dollars for each county in which they peddle; fifty dollars of said amount to be paid to the county in which said license is paid, and fifty dollars to go to the State; and for each peddler of spectacles or eye glasses, five dollars for each county in which they peddle; for peddlers of medicine with vocal or instrumental music, or both, one hundred dollars for each county in which they peddle; for peddlers in wagon drawn by one horse, or other animal, twenty-five dollars; in a wagon drawn by two horses, or more, or other animals, thirty-five dollars; on a horse, or other animal, fifteen dollars; on foot, ten dollars; when accompanied by singers or performers on any musical instruments, one hundred dollars; but peddlers of tin-ware only, and peddlers of wooden and stone or clay, hollow-ware, only, and tanners who manufacture leather goods and peddle these only, shall not be required to procure license. A peddlers license shall entitle him to peddle only in the county where it is taken out. Any person

may demand of peddlers, itinerant dealers, and traveling agents their license, and unless they exhibit the same, or show that they have a right under the law to peddle the articles carried by them, or carry on the business they are engaged in without a license, such person may, and is hereby authorized, to arrest such peddler, itinerant dealer, or traveling agent, and carry him before the nearest county court judge, justice of the peace, mayor, recorder, intendant of any town, or notary public exercising the power of a justice of the peace, and such officer before whom such peddler, itinerant dealer, or traveling agent is carried must, if he finds such person to be dealing without a license, forthwith issue a warrant for his arrest, returnable to any court of the county having criminal jurisdiction, which warrant may be executed by the sheriff, or by any constable of the county, any city or town marshal, policeman, or any officer having authority to make arrests. It shall, however, be lawful for any person having but one arm or leg, or whose sight has been impaired as a result of exposure, injury, or disease during his service, in the confederate army, or any other disabled confederate soldier who is permanently disabled from any cause, or any person who has lost his eyesight in any way so that he is incompetent to perform manual labor, or any other person who is unable to perform manual labor (if he shall secure the certificate from the county board of health and the certificate of the judge of probate of such facts), to peddle in any such county in the State free of license; nor shall this subdivision be so construed as to require a license of peddlers of fish, oysters, game, fresh meats, poultry, fruit, and all farm products, raised by the seller. For each peddler of clocks doing business in this State, a license tax of five hundred dollars and a county tax of two hundred and fifty dollars for each county in which such business is carried on. All the citizens of this State, who have resided here for five years, and who were soldiers of the confederate states of America, or engaged in the naval service thereof, and do not own property exceeding in value one thousand dollars, may peddle any produce or merchandise in any and all the counties of this State, except in any in-

corporated village, town or city, without the payment of the license required of such peddlers. Any such soldiers or sailors desiring such license to peddle must apply to any judge of probate in this State, and make and submit his proof of having been such soldier or sailor, and if it is sufficient to satisfy said judge, he shall issue the license without payment of money therefor, and such license shall be authority to peddle such commodities in any such county, but there shall be no peddling of patent medicines by persons exempted from taking out a license to peddle.

And asked for a committee of conference, and the Speaker appointed on the part of the House Messrs. Brindley, Percy and Rice.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate accedes to the request of the House for a committee of conference on the disagreement of the two houses on the Senate amendments to

H. 691. To further provide for the revenues of the State of Alabama.

Committee on part of the Senate: Messrs. Plowman, Tunstall and Spragins.

And returns said bill herewith to the House.

J. A. Kyle,  
Secretary.

ADJOURNMENT.

On motion of Mr. Rice, the House adjourned until Wednesday, March 29th, at 10 o'clock.

FORTY-FOURTH DAY.

House of Representatives.  
Wednesday, March 29th, 1911.

The House met pursuant to adjournment.

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PRAYER.

The session was opened with prayer by Rev. Mr. Preston of the House.

ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs:—

Speaker	Eastis	Judge
Acker	Edmonds	Kilburn
Arnold	Flanagan	Knight
Avery	Fletcher	Lane
Barnard	Fowlkes	Lavender
Bell (Autauga)	Fuquay	Lawler
Bell (Pickens)	Gewin	Lawson
Brewer	Greene	Lee
Brindley	Griffith	Letson
Boswell	Helms	Lloyd
Brown (Pike)	Hollis (Walker)	Lumpkin
Brown (Tuscaloosa)	Hood	Martin (Calhoun)
Burton	Horton	Martin (Jackson)
Bush	Huddleston	Mastin
Butt	Jackson	Mathews
Capps	James	Merrill
Carroll	Jenkins (Baldwin)	Merritt
Chamberlain	Jenkins (Bullock)	Milner
Cranford	Johnson (Clarke)	Molton
Darden	Johnson (Elmore)	Mulkey
Dennis	Johnson (Marshall)	McCurdy
Doswell	Jones	McDonald

McGowen	Pruett	Sullivan
McLendon	Quin	Thomas
Nicholson	Ramsey	Twombly
O'Neill	Rice	Waddell
Overton	Richeson	Waits
Page	Roberson	Walden
Parks	Rylance	Walker
Pegram	Sanders	Whatley
Percy	Smith	Wheless
Pittman	Strickland	Wilhite
Pitts	Stollenwerck	Williams
Popwell	Sturdivant	Wright
Preston		

—103

A quorum was present.

#### JOURNAL.

The acting chairman of the standing committee on the revision of the Journal, made the following report:  
Mr. Speaker:

Your committee on the revision of the Journal, beg leave to report as follows:

We have examined the Journal for the 43rd day, and find the same to be correct.

.C G. Richeson,  
Chairman.

The report of the committee was concurred in, and the Journal for the 43rd day was approved.

#### REPORT OF RULES COMMITTEE.

The following rule was reported by the Rules committee and the same was adopted.

Resolved by the House, That during the remainder of the session, beginning with tonight, a session be held beginning at 8 p. m.

#### BILLS ON SECOND READING.

Mr. Milner, chairman of the standing committee on Local Legislation, reported that said committee in ses-

sion had acted on the following bill and ordered same returned to the House with a favorable report:

H. 727. To amend section 4 of an act to establish a county court for the county of Shelby, approved August 20th, 1909.

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Mr. Bush, chairman of the standing committee on Privileges and Elections, reported that said committee in session has acted on the following bills and ordered same returned to the House with a favorable report:

S. 259. To prohibit Federal office holders from, in any capacity, serving on or acting as a member of any political committee.

H. 792. To amend section 1374 of the code of Alabama of 1907.

H. 791. To amend section 1359 of the code of Alabama of 1907.

Mr. Darden, chairman of the standing committee on Public Roads and Highways, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 780. To repeal an Act entitled an Act to better provide for the maintaining and keeping in repair the public roads of Escambia County, approved September 17th, 1903, and an Act entitled an Act to amend Sections 4 and 12 of an Act to better provide for the maintaining and keeping in repair the public roads of Escambia County, approved July 31, 1907.

S. 277. To amend an act entitled an act to provide a better system of public roads for Blount county, approved February 27th, 1907.

Mr. Thomas, chairman of the standing committee on Appropriations, reported that said committee in session has acted on the following bills and ordered same returned to the House with a favorable report:

S. 348. To authorize the governor to rent office apartments in the city of Montgomery for the official

use of the State officers for whom adequate offices can not be obtained in the capitol.

S. 420. To provide for the publication, distribution and sale of the reports of the court of appeals of Alabama.

S. 190. To provide for the building and furnishing of class rooms, laboratories, student work shops, gymnasium, assembly hall, hospital, dormitory and other buildings and improvements for the Alabama girls technical institute at Montevallo.

S. 112. To encourage the holding of the State, district and county fairs in Alabama by appropriating funds for payment of premiums for exhibits of agricultural products, live stock and poultry, and to provide a plan for awarding premiums and paying of the same by the State of Alabama, for the exhibit of agricultural products, livestock and poultry, produced, raised or bred in the State of Alabama.

H. 278. To appropriate ten thousand dollars for the purpose of constructing and equipping a dormitory and constructing or improving other school and farm buildings for the ninth district agricultural school and experiment station at Blountsville, Alabama.

Mr. Mulkey, chairman of the standing committee on Revision of Laws, reported that said committee in session has acted on the following bills and ordered same returned to the House with a favorable report:

S. 434. To establish in precinct one in Madison county, Alabama, an inferior court in lieu of all justices of the peace and notaries public with the powers of a justice of the peace in the said precinct, to be known as the inferior court of Huntsville, to define the jurisdiction and powers of said court and the judge thereof.

S. 433. To amend section thirty of an act entitled an act to establish the law and equity court of Madison county, approved February 26, 1907.

S. 123. To amend section 733 of the code of 1907.

S. 412. To regulate appeals and the consideration of same by the supreme court and the court of appeals, and the terms of said court of appeals.



S. 201. To amend sections 2038 and 2039 of the code of Alabama.

Mr. Thomas, chairman of the standing committee on Appropriations, reported that said committee in session has acted on the following bills and ordered same returned to the House with a favorable report, with amendment:

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S. 39. (With amendment.) To appropriate sixty-five thousand dollars (\$65,000) to the Alabama schools for the deaf and blind.

S. 432. (With amendment.) To provide for a better equipment of the normal school at Moundville, Alabama, Hale county, and make an appropriation therefor.

S. 181. (With amendment.) To appropriate out of any funds of the State not otherwise appropriated the sum of forty thousand dollars (\$40,000.00), to be used for the purpose of aiding in the erection of a dormitory for the State normal college situated at Troy, Alabama.

S. 52. (With amendment.) To appropriate money for the Alabama normal college at Livingston, Alabama.

The above and foregoing bills were severally read a second time, and placed on the calendar.

#### BILLS REPORTED ADVERSELY.

Mr. Capps, chairman of the standing committee on County and County Boundaries, reported that said committee in session has acted on the following bill and ordered same returned to the House with an adverse report:

H. 738. To change the boundary line between the county of Montgomery and the county of Crenshaw.

Mr. Darden, chairman of the standing committee on Public Roads and Highways, reported that said committee in session has acted on the following bill and ordered same returned to the House with an adverse report:

H. 781. To better provide for the building, maintenance and keeping in repair of the public roads and bridges of Escambia county, Alabama, and for the working of the county convicts on said public roads and bridges, or to expend the proceeds of the hire of said convicts in building, maintaining and repairing the public roads and bridges of said county and for the issuing of bonds for that purpose.

Mr. Mulkey, chairman of the standing committee on Revision of Laws, reported that said committee in session has acted on the following bill and ordered same returned to the House with an adverse report:

S. 98. To amend section 6638 of the code of Alabama of 1907.

#### INTRODUCTION OF BILLS.

On a call of the counties, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Judge (by request):

H. 797. To amend section 896 of the political code of Alabama of 1907.

#### Appropriations.

By Mr. Judge:

H. 798. To authorize the manufacture or brewing of certain malt liquors and beers by persons operating any brewery located in any city in this State with a population of 30,000 or more, and the sale thereof in such city by wholesale, in not less than designated quantities in sealed or unbroken packages, by any person, firm, association or corporation operating such brewery and providing for a license therefor.

#### Temperance.

By Mr. Bell, of Autauga (notice and proof):

H. 799. To require the board of revenue or court of county commissioners of Autauga county to publish reports of its proceedings quarterly in some newspaper published in said county.

#### Local Legislation.

Notice and proof, H. 799.

NOTICE.

Notice is hereby given that at the present session of the Legislature of Alabama, a bill will be introduced for passage requiring the board of revenue of Autauga county to ~~publish reports of its proceedings quarterly~~ in some newspaper, published in said county; said reports to contain a statement of all receipts and expenditures, and a statement of all important resolutions or transactions.

State of Alabama, }  
County of Autauga. }

Before me, Lottie Woodward, a notary public, in and for said State and county, personally appeared Chas. T. Kent, who being by me first duly sworn, deposes and says, that I am the manager of the Prattville Progress, a newspaper published weekly in Autauga county; the above and foregoing notice was published in said paper for four consecutive weeks, next before this date.

Chas. T. Kent,  
Manager.

Sworn to and subscribed before me this 23rd day of March, 1911.

Lottie Woodward,  
Notary Public.

By Mr. Lawson (notice and proof) :

H. 800. To allow John C. Hollingsworth, a Confederate veteran, to maintain and operate fish nets, in Coosa river, below the dam at Lock 4, near Riverside, Alabama.

Game, Fish and Forestry Preservation.

Notice and proof, H. 800.

AN ACT

To allow John C. Hollingsworth, a Confederate veteran, to maintain and operate fish-nets in Coosa river below the dam at Lock 4, near Riverside, Ala.

*Be it enacted by the Legislature of Alabama*, That John C. Hollingsworth, a Confederate veteran, be and he is hereby allowed the right to fish for and to catch fish at any point below the dam now erected at Lock 4 across Coosa river, near Riverside, Alabama, and for such purpose may operate and maintain hoop nets, or other nets, with which to catch fish in the waters of said river at any point below the said dam.

Notice is hereby given that application will be made to the Legislature of Alabama, at its present session, or at an adjourned term thereof, to pass the above proposed bill. This Feb. 7th, 1911.

John C. Hollingsworth.

The State of Alabama, }  
Talladega County. }

Personally appeared before me, a justice of the peace, in and for said county, E. L. C. Ward, who being duly sworn according to law, deposes and says that he is the editor of The Talladega Reporter, a newspaper, published in said county, and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper for four weeks consecutively, to-wit, in the issues thereof dated as follows: On Feb. 11th, 18th, 25th, and March, 4th, 1911.

E. L. C. Ward.

Subscribed and sworn to before me this 16th day of March, 1911.

M. D. Ivey,  
Justice of Peace.

By Mr. Quinn (notice and proof):

H. 801. To provide a better system of public roads for DeKalb county.

Public Roads and Highways.

Notice and proof, H. 801.

#### NOTICE OF LOCAL LAW.

Notice is hereby given that a bill will be introduced in the present session of the Legislature of Alabama

entitled "an act to provide a better system of public roads for DeKalb county, Alabama," which bill provides for the appointment and removal of overseers for each election precinct of the county, the manner of their appointment, the terms of their offices, their compensation for their services, their duties in regard to working the roads, bridges and causeways of the county and as to making contracts in relation thereto, their duties as to preserving the tools, as to collecting monies, reporting to commissioners court, and paying out monies for materials and labor; also providing who shall work the road, at which time or times and for how long, the notice to be given, the amount each shall pay when he fails to work; providing that each work horse, mule, ox and wagon shall be liable to work on the road two days each year or providing that a tax shall be placed on each for each day the owner fails to allow it to be so worked; providing that the general law in regard to the kind of implements to be brought by hands, the mode of warning hands, length of notice, and concerning defaulters and the punishment thereof shall be enforced and applicable to said road law, and providing that any hand who fails to give satisfactory service may be dismissed and proceeded against as if a defaulter; providing that the commissioners court at stated times ascertain the amount of road funds to be received for the year, fix the amount to be expended for the several purposes authorized under this act, apportion the remainder among the different beats in the county; providing for the levy of a special road tax on all taxable property in the county, said tax to be a part of the tax authorized by the Constitution, said special fund to be used only for the purposes indicated in this act; pass upon the reports of the overseers of the several beats, upon which the judge of probate will draw a warrant in favor of each overseer on the county treasurer against the road funds in his hands created by this act for the amount due and providing for the distribution of tools, providing for the amount to be allowed per day for the hire of horses, mules, wagons, plows and scrapes and that a day shall consist of nine actual working hours;

providing that an overseer who fails to perform his duty shall be guilty of a misdemeanor and providing for the punishment thereof; that the commissioners court shall exercise a general supervision and control over road overseers and for the repeal of all laws and parts of laws in conflict with this act.

This January 25th, 1911.

Jas. A. Croley.

The State of Alabama, }  
DeKalb County. }

This day comes Thomas H. Smith, and being by me first duly sworn, deposes and says that notice of the special road law for DeKalb county was published as is shown by the attached clippings for four successive weeks, February 1, 1911, February 8, 1911, February 15, 1911, and February 22, 1911. He further deposes and says that he is the owner and publisher of the Fort Payne Journal, a newspaper published in Fort Payne, DeKalb county, Alabama, and that said road notice was published in four consecutive issues of said paper.

Thos. H. Smith.

Sworn to and subscribed before me this the 28th day of March, 1911.

Jas. A. Ardley,  
Judge of Probate.

By Mr. Molton:

H. 802. To provide for the settlement of the claims of persons, who bought of the trustees of "The Alabama Insane Hospitals" lands commonly called "swamp and overflowed lands," and the title thus acquired was afterwards adjudged to be invalid.

Revision of Laws.

By Mr. Butt (notice and proof):

H. 803. To fix the compensation of the several members of the board of revenue of Montgomery county and to repeal all laws and parts of laws in conflict therewith.

Local Legislation.

Notice and proof, H. 803.

NOTICE.

Notice is hereby given that at the present session of the Legislature of Alabama, a bill will be introduced ~~the substance of which will be to divide the county of Montgomery into three revenue districts and to establish a board of revenue for said county, of which the county treasurer shall be a member, elective from said districts by the voters of the whole county; to fix the term of office of the members of said board, their powers, duties and compensation, prescribe the method of filling vacancies therein, establish the office of assistant clerk to said board, make the office of county treasurer elective by said board from one of its members and authorize said board to deposit county funds at interest; and to repeal all laws and parts of laws inconsistent with such bill including the following: An act approved Feb. 28, 1907, Local Laws 1907, p. 219; an act approved Feb. 28, 1903, Local Laws 1903, p. 166; an act approved March 11, 1875, Local Laws 1874-5, p. 513.~~

State of Alabama, )  
Montgomery County. }

Brame Hood being duly sworn, on oath deposes and says, that he is advertising manager of the Montgomery Journal, which is a newspaper, published in the county of Montgomery, Alabama; that the notice of which the foregoing is a copy was published in the Montgomery Journal once a week for four consecutive weeks without cost to the State of Alabama; said publication being on the 14th, 21st, and 28th days of January and the 4th day of February respectively, 1911.

Brame Hood.

Sworn to and subscribed before me this the 29th day of March, 1911.

Alma Tillery,  
Notary Public, Montgomery County, Ala.

By Mr. Jenkins of Baldwin:

H. 804. To provide for the better equipment of the normal school at Daphne, Alabama, Baldwin county, and to make an appropriation therefor.

Appropriation.

By Mr. Helms (notice and proof):

H. 805. To provide when the members of the court of county commissioners for Crenshaw county shall be elected, and prescribe their terms of office.

Local Legislation.

Notice and proof, H. 805.

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama at its present session to enact a law in substance as follows: To change the tenure of office of the members of the county commissioners court of Crenshaw county, Alabama, to be elected for commissioners districts one and three of said county at the next general election Nov., 1912, so that their terms of office will be only two years from the date of their qualification. That in all subsequent elections for county commissioners all county commissioners for said county shall be elected for terms of four years.

AFFIDAVIT OF PUBLICATION.

I, Chas. L. Kettler, editor and publisher of the Crenshaw County News, a newspaper, published weekly at Luverne, Crenshaw county, Alabama, do solemnly swear that a copy of the above notice, as per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated March 9th, 1911, and ending with the issue dated March 30th, 1911.

Chas. L. Kettler.



Subscribed and sworn to before me this 29th day of March, 1911.

W. B. Ruff,  
Notary Public.

By Mr. Knight (notice and proof) :

H. 806. To place the name of M. C. Keady, widow of the late W. G. Keady, who was a Confederate soldier, upon the pension rolls of the State of Alabama.

Local Legislation.

Notice and proof, H. 806.

NOTICE.

Notice is hereby given that a bill will be introduced in the Legislature of Alabama, at the present session, providing for the placing of the name of Mrs. M. C. Keady, the widow of Rev. W. G. Keady, a deceased Confederate soldier on the pension roll of the State of Alabama from Hale county, Alabama.

The State of Alabama, }  
Hale County. }

Before me, Edwin S. Jack, a notary public, in and for said State and county, personally appeared Lee M. Otts, who being duly sworn, on oath says, that he is the editor and publisher of the Greensboro Record, a weekly newspaper, published at Greensboro, in Hale county, Alabama, and that the notice, of which a true copy is hereto attached, was published in said newspaper, once a week, for four successive weeks, and being in the issues of said newspaper, as follows: February 28th, 1911, March 7th, 1911, March 14th, 1911 and March 21st, 1911.

Lee M. Otts,  
Editor and Publisher.

Sworn to and subscribed before me this 24th day of March, 1911.

Edwin S. Jack.  
Notary Public in and for Hale County, Ala.

By Mr. Brown of Tuscaloosa:

H. 807. To amend section 2169 of the code of Alabama:

Revision of Law.

By Mr. Stollenwerck:

H. 808. To amend section one of an act entitled "an act to fix the amount of capital of and deposit with the State reasurer by miscellaneous insurance companies, excepting mutual aid associations" approved August 19, 1909.

Insurance.

By Mr. Cranford (notice and proof):

H. 809. To repeal section 9 of an act to establish the Walker county law and equity court, approved December 5, 1900, as amended by section 2 of an act (approved February 15, 1901) to amend sections 8, 9, and 26 of an act entitled an act to establish the Walker county law and equity court, approved December 5, 1900.

Local Legislation.

Notice and proof, H. 809.

#### NOTICE.

Notice is hereby given that a bill will be introduced at the present session of the Legislature of Alabama, in substance as follows:

A bill to be entitled

#### AN ACT

To repeal section 9 of an act to establish the Walker county law and equity court approved December 5th, 1900, as amended by section 2 of "an act (approved February 15, 1901) to amend sections 8, 9 and 26 of an act entitled an act to establish the Walker county law and equity court approved December 5, 1900.

*Be it enacted by the Legislature of Alabama, as follows:*

Section 1. That section 9 of an act approved December 5, 1900, to establish the Walker county law and

equity court, as amended by section 2 of an act approved February 15, 1901, to amend sections 8, 9 and 26 of an act to establish the Walker county law and equity court approved December 5, 1900, be and the same is hereby repealed.

The section 9 as amended, referred to above is as follows:

~~"Be it further enacted, That all criminal causes now or hereafter pending in the circuit court of Walker county shall, at the request of the defendant, be at once transferred for trial to this court herein established, and that all civil causes now or hereafter pending in the circuit court of said county, must on agreement of the parties thereto in writing and filed in said cause be transferred for trial to this court herein established, and all causes now pending in the chancery court of said county, must on agreement in writing signed by all parties interested therein, and filed with the register in chancery, must be transferred to this court herein established.~~

J. H. Cranford.

The State of Alabama, }  
Walker County. }

Before me, Francilla Haley, a notary public, in and for said State and county, personally appeared J. R. Gunter, editor of the Mountain Eagle, a newspaper published once a week in Jasper, Alabama, who, being duly sworn, deposes and says that the attached notice was published in The Mountain Eagle for four consecutive weeks, commencing on the 25th day of January, 1911.

J. R. Gunter.

Sworn to and subscribed before me this 25th day of March, 1911.

Francilla Haley,  
Notary Public.

By Mr. Judge:

H. 810. To amend section 1218 of the code of 1907.  
Revision of Laws.

By Mr. McCurdy (notice and proof) :

H. 811. To re-imburse George E. Gordon, former county superintendent of education for Lowndes county for the over payment of money by him as such superintendent.

Appropriations.

Notice and proof, H. 811.

NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama at the present session for the passage of "an act to reimburse Geo. E. Gordon, former county superintendent of education of Lowndes county for the overpayment of money by him as such superintendent of Education."

Jan. 24, 1911.

State of Alabama, }  
Lowndes County. }

I, Mrs. Estelle Garrett, editress and proprietress of the Citizen Examiner, a newspaper published in said county and State, hereby certify that the notice hereto attached was published in said paper for five consecutive weeks, beginning January 24th, 1911.

Mrs. Estelle Garrett.

Subscribed and sworn to before me on this the 14th day of March, 1911.

J. C. Wood,  
Judge of Probate.

By Mr. Dennis (notice and proof) :

H. 812. To fix the time and places of holding the county court of Russell county.

Local Legislation.

Notice and proof, H. 812.

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama to have passed an act sub-

stantially as follows:

AN ACT.

To fix the time and places of holding the county court of Russell county:

Section 1. *Be it enacted by the Legislature of Alabama, That a county court for the trial of misdemeanors, shall be held at the court house, at Seale, on the first Mondays in January, March, May, July, September and November; and in the city of Girard on the first Mondays in February, April, June, August, October and December of each year, and each term may continue until the business is disposed of.*

Section 2. This act shall not go into effect until the court of county commissioners of Russell county shall have built at Girard a court house in which such court shall be held.

State of Alabama, )  
Montgomery County. }

Before me, W. E. Rouse, a notary public, in and for said county and State, personally appeared, I. I. Moses, who being by me duly sworn, deposes and says on oath that he is the publisher of the "Phenix-Girard Journal," a weekly newspaper published in the city of Girard, Russell county, Alabama, and that the following notice has been published in said newspaper without cost to the State once a week for four consecutive weeks, as required by section 106 of the Constitution of the State of Alabama, to-wit:

I. I. Moses.

Sworn to and subscribed before me this 29th day of March, 1911.

W. E. Rouse,  
Notary Public, Montgomery County, Alabama.

By Mr. Dennis (notice and proof):

H. 813. To fix the times and places of holding the regular terms of the court of county commissioners of Russell county.

Local Legislation.

Notice and proof, H. 813.

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama to have passed an act substantially as follows:

AN ACT

To fix the times and places of holding the regular terms of the court of county commissioners of Russell county.

Section 1. *Be it enacted by the Legislature of Alabama,* That the regular terms of the court of county commissioners of Russell county shall be held at the court house at Seale, on the second Mondays in February and August, and in the city of Girard on the first Mondays of April and November of each year.

Sec. 2. This act shall not go into effect until the said court of county commissioners, shall have built a court house at the said city of Girard.

State of Alabama, )  
Montgomery County. }

Before me, W. E. Rouse, a notary public, in and for said county and State, personally appeared I. I. Moses, who being by me duly sworn, deposes and says on oath that he is the publisher of the "Phenix-Girard Journal," a weekly newspaper, published in the city of Girard, Russell county, Alabama, and that the following notice has been published in said newspaper without cost to the State once a week for four consecutive weeks, as required by section 106 of the Constitution of the State of Alabama, to-wit:

I. I. Moses.

Sworn to and subscribed before me this 29th day of March, 1911.

W. E. Rouse,  
Notary Public, Montgomery County, Ala.

By Mr. Dennis (notice and proof):

H. 814. To require the board of jury commissioners of Russell county to prepare two boxes of names of jurors in accordance with section 7240 of the code of Alabama, one to be used in drawing the juries for the circuit court of Russell county at Seale, and the other to be used in drawing the juries for the circuit court of said county at Girard.

Local Legislation.

Notice and proof, H. 814.

#### NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama to have passed an act substantially as follows:

An act to require the board of jury commissioners of Russell county to prepare two boxes of names of jurors in accordance with section 7240 of the code of Alabama, one to be used in drawing the juries for the circuit court of Russell county at Seale, and the other to be used in drawing the juries for the circuit court of said county at Girard.

Section 1. *Be it enacted by the Legislature of Alabama*, That the board of county commissioners of Russell county is hereby required to prepare a box of the names of the jurors in accordance with section 7240 of the code of Alabama, to be used in drawing juries for the circuit court of said county at Seale from persons who resides south and west of a line described as follows: commencing on the western boundary line of Russell county, at a point equally distant from the north boundary line and the south boundary of township sixteen, and running thence east along a line equally distant from said north boundary line and said south boundary line of said township sixteen, to the Big Uchee creek, thence down said Big Uchee creek to the western boundary line of range thirty, thence south along the west boundary line of range 30 to the south boundary line of township fifteen, thence east to the

Chattahoochee river; and to prepare another box of such names in like manner to be used in drawing juries for the circuit court of said county at Girard from persons who reside north and east of said line.

Sec. 2. This act shall not go into effect until the court of county commissioners shall have built a court house in the said city of Girard.

State of Alabama, }  
Montgomery County. }

Before me, W. E. Rouse, a notary public, in and for said county and State, personally appeared I. I. Moses, who being by me duly sworn, deposes and says on oath that he is the publisher of the "Phenix-Girard Journal," a weekly newspaper, published in the city of Girard, Russell county, Alabama, and that the following notice has been published in said newspaper without cost to the State once a week for four consecutive weeks, as required by section 106 of the Constitution of the State of Alabama, to-wit:

I. I. Moses.

Sworn to and subscribed before me this 29th day of March, 1911.

W. E. Rouse,  
Notary Public, Montgomery County, Ala.

By Mr. Dennis (notice and proof):

H. 815. To establish an additional circuit court in the county of Russell at Girard.

Local Legislation.

Notice and proof, H. 815.

#### NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama to have passed an act substantially as follows:



## AN ACT.

To establish an additional circuit court in the county of Russell at Girard.

Section 1. *Be it enacted by the Legislature of Alabama*, That the county of Russell be and the same is hereby divided as follows, commencing on the western boundary line of Russell county at the point equally distant from the north boundary line and the south boundary line of township sixteen, and running thence east along a line equally distant from the said north boundary line and said south boundary line of said township sixteen to the Big Uchee creek, thence down to the said Big Uchee creek to the western boundary line of range 30, thence south along the west side of range 30 to the south boundary of township 15, thence east to the Chattahoochee river.

Sec. 2. Be it further enacted, That all causes of action both civil and criminal, which are in the jurisdiction of a circuit court and are triable within the county of Russell, may be brought either in the circuit court of said county at Seale, or the circuit court of said county at Girard; provided, however, that if the defendant lives on the north or east side of the line described in section one of this act, such suit, if brought in the circuit court of said county at Seale, shall be removed for trial to the circuit court of said county at Girard, at the request of defendants, and provided further, that if the defendant lives on the south or west side of said line such suit if brought in the circuit court of said county at Girard shall be removed for trial to the circuit court of said county at Seale, at the request of the defendant, provided that if no such request is made by the defendant at the first term of the court at which such cause is triable, and within the time allowed for pleading, the presiding judge may refuse to allow such cause to be removed; and it shall stand for trial in the court in which it was brought. In civil suits against more than one defendant, the cause must be tried in the court where it is brought if one or more of such defendants live on one

side of said line and one or more of such defendants live on the other side of said line.

Sec. 3. Be it further enacted, That when any cause is removed from one circuit court to the other in said county, the presiding judge shall cause to be entered upon the minutes of the court where the suit was first brought an order that said cause be removed into the other court for trial and, thereupon, the clerk of such court shall transfer all the papers in said cause to such other court and shall enter said cause upon the docket of said court, which shall stand for trial at the next term of such court.

Sec. 4. Be it further enacted, That the circuit court of Russell county, at Girard, shall be held on the last Monday in January and the third Monday in August of each year and may continue two weeks.

Sec. 5. Be it further enacted, That it shall be the duty of the county commissioners of Russell county to purchase a suitable lot in the city of Girard and build thereon a suitable court house wherein said circuit court may be held.

Sec. 6. Be it further enacted, That no term of the circuit court of Russell county shall be held at Girard until the court house provided for in section 5 of this act shall have been completed.

State of Alabama, }  
Montgomery County. }

Before me, W. E. Rouse, a notary public, in and for said county and State, personally appeared I. I. Moses, who being by me duly sworn, deposes and says on oath that he is the publisher of the "Phenix-Girard Journal," a weekly newspaper, published in the city of Girard, Russell county, Alabama, and that the following notice has been published in said newspaper without cost to the State once a week for four consecutive weeks, as required by section 106 of the Constitution of the State of Alabama, to-wit:

I. I. Moses.

Sworn to and subscribed before me this 29th day of March, 1911.

W. E. Rouse,  
Notary Public, Montgomery County, Ala.

By Mr. Dennis (notice and proof) :

H. 816. To require the judge of probate of Russell county, in addition to the office in the court house at Seale, to keep open a branch office in the city of Girard for the transaction of business, and to declare the effect of the business transacted in such branch office. And to fix his pay for making the indexes mentioned in section 3, and the abstract mentioned in section 4, of this act.

Local Legislation.

Notice and proof, H. 816.

#### NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama to have passed an act substantially as follows:

#### AN ACT

To require the judge of probate of Russell county, in addition to the office in the court house at Seale, to keep open a branch office in the city of Girard for the transaction of business, and to declare the effect of the business transactions in such branch office. And to fix his pay for making the indexes mentioned in section 3, and the abstract mentioned in section 4, of this act.

Section 1. *Be it enacted by the Legislature of Alabama*, That the judge of probate of Russell county, in addition to the office in the court house at Seale, shall keep open an office in the city of Girard, on every day except Sundays and legal holidays, from nine o'clock in the morning until four in the afternoon, for the transaction of business.

Sec. 2. Be it further enacted, That records of all kinds must be kept in such branch office, which are required by law to be kept in probate offices; and all papers or instruments filed for record in such branch office and recorded therein, the filing and registration thereof shall have the same force and effect in all respects as if the same had been filed and recorded in the probate office in the court house at Seale.

Sec. 3. That said judge of probate may hold court, and otherwise transact any business in said branch office, which he could legally do in said office at the court house in seale; and the records of all business transacted in said branch office shall be kept in said branch office.

Sec. 4. That such judge of probate shall make and keep in said branch office, in well bound books direct and reverse indexes of the records of all deeds of conveyance, mortgages and other instruments given to secure the payment of debts, and liens of judgment and decrees, which shall have been recorded in the office of the said probate judge at Seale prior to the time of the opening of the office in the city of Girard.

Sec. 5. That after the opening of said office in Girard, it shall be the duty of the said judge of probate to keep in his office at the court house in Seale for public inspection, an abstract of all deeds of conveyance, mortgages and other instruments given to secure the payment of debts, and liens of judgments and decrees, which shall be filed for record in said branch office, which abstract shall give the name of the grantor, the name of the grantee, the consideration of an instrument and a description of the property conveyed, in the case of deeds, mortgages and other instruments made to secure the payment of debts, and name of the plaintiff and of the defendant and the amount of the judgment recorded, in the case of judgments: and he shall keep in said branch office like abstracts of such as may be filed for record in said office in the court house at Seale.

Sec. 6. Be it further enacted, That such judge of probate shall be paid out of the county treasury for

the work done in making the indexes mentioned in section 4 of this act and the abstracts mentioned in section 5 of this act, fifteen cents for each one hundred words.

Sec. 7. This act shall go into effect as soon as the court of county commissioners of Russell county, shall ~~have built a court house in said city of Girard and~~ shall have designated the office of the judge of probate therein but not sooner.

State of Alabama, }  
Montgomery County. }

Before me, W. E. Rouse, a notary public, in and for said county and State, personally appeared I. I. Moses, who being by me duly sworn, deposes and says on oath that he is the publisher of the "Phenix-Girard Journal," a weekly newspaper, published in the city of Girard, Russell county, Alabama, and that the following notice has been published in said newspaper without cost to the State once a week for four consecutive weeks, as required by section 106 of the Constitution of the State of Alabama, to-wit:

I. I. Moses.

Sworn to and subscribed before me this 29th day of March, 1911.

W. E. Rouse,  
Notary Public, Montgomery County, Ala.

By Mr. Bell of Pickens (notice and proof):

H. 817. To establish in the county of Pickens a court of record of limited jurisdiction to be known and styled as the inferior court of Pickens county, and to define the jurisdictions and powers of said court and the judge thereof.

Local Legislation.

Notice and proof, H. 817.

NOTICE OF BILL TO BE INTRODUCED IN THE LEGISLATURE.

Section 1. *Be it enacted by the Legislature of Alabama,* That there is hereby established in the county

of Pickens a court of record of limited jurisdiction to be known as the inferior court of Pickens county.

Sec. 2. That said court shall have civil jurisdiction throughout the county, concurrent with the circuit and justice courts of the county of all actions founded on contract or on any wrong or injury, when the sum claimed is not less than twenty-five dollars, nor more than two hundred dollars, except in actions of libel, slander, assault and battery, and ejectment, of which actions it shall not have jurisdiction; of all actions of forcible entry and unlawful detainer; of all actions to recover specific property, when the value is not less than twenty-five dollars, nor more than two hundred dollars, and of such other cases as jurisdiction is or may be given by law.

Sec. 3. That said court shall have original criminal jurisdiction, concurrent with the circuit court of the county, of all misdemeanors committed in the county, except of those misdemeanors of which justices of the peace have final jurisdiction, it shall have no jurisdiction.

Sec. 4. A regular term of said court shall be held on the third Monday of every month at the court house of said county, for the trial of any or all causes brought into said court, and may continue till the business is disposed of; but said court shall be open, at the discretion of the judge, any day during the week, except Sunday, for the trial of causes.

Sec. 5. That a judge of said court shall be appointed by the governor, within fifteen days after the approval of this act, and shall hold office for four years and until his successor is elected and qualified; that the successors to said judge shall be appointed by the governor, and that vacancies in said office of judge shall be filled by the governor.

Sec. 6. The judge of said court, before he enters upon the duties of his office, must take the oath and give bond as is now required by law of justices of the peace, and may be removed from office or impeached in the same manner as justices of the peace.

Sec. 7. The judge of said court, at the time of his appointment, shall be a duly qualified elector of the county and during the term of his office shall reside at the county seat of the county.

Sec. 8. The judge of said court has authority within said county to administer oaths and take affidavits; to punish for contempts, by a fine as high as twenty dollars, and by imprisonment, not exceeding twenty-four hours; one or both; to take the acknowledgment or probate of all deeds, or conveyances required to be recorded, and certify the same for registration; to take affidavits and issue warrants of arrest; to grant writs of habeas corpus, in like manner as the probate judge of the county, in those cases in which the power is conferred by law; to try all causes brought into said court both civil and criminal; to sit as a committing magistrate in felony cases and to bind over the defendant to await the action of the grand jury of the county; to exercise all the authority now conferred by law upon judges of the county courts and justices of the peace of the State, not in conflict with the provisions of this act, and be subject to the same penalties for neglect of duty, and to exercise such other powers as are, or may be, conferred on him by law.

Sec. 9. The judge of said court shall receive a trial fee of \$3.00 in every civil case tried by him to be taxed up and collected as other cost in the case. He shall receive a trial fee of \$3.00 in every criminal, habeas corpus case and preliminary investigation tried by him to be taxed and collected as other cost in the case, and in all cases where the State fails the same shall be paid to him out of the fine and forfeiture fund of the county.

Sec. 10. That the clerk of the circuit court of the county shall be ex-officio the clerk of said court, and shall discharge the like duties and be subject to the same penalties as in the circuit court, and shall receive the same fees in criminal cases and one-half the fees in civil cases as allowed to him by law in the circuit court; provided, that upon the failure of said clerk, or his refusal, to discharge the duties of the office or any

of them, the judge shall appoint some competent person to discharge said duties and such person shall receive the same fees as is herein allowed to said clerk.

Sec. 11. The deputy solicitor for the county shall represent the State in said court, and may collect and retain for his services one-half the fees now allowed to the circuit solicitor in all cases, and no greater fee shall be charged, except the offenses of adultery and fornication, carrying concealed weapons, violations of the revenue law, the laws prohibiting the sale or otherwise disposing of spirituous, vinous or malt liquors, and offenses under sections 6844, 7325, 7338, 7340, 7423, 7427, 7428, 7429, 7560, 7564, 7576, 7577 and 7619 of the 1907 code of Alabama, in which he shall charge and receive the same fees allowed to the circuit solicitor; provided, said fees do not exceed \$500.00 per annum, and the residue of such fees and commissions must be paid into the county treasury. He shall make reports to the county treasurer as required of deputy solicitor by section 7804 of the 1907 code.

Sec. 12. The sheriff of the county is hereby required to execute all process and orders of said court and to attend upon the sessions of said court in person or by deputy.

Sec. 13. Witnesses in said court shall in all cases be entitled to receive seventy-five cents for each days attendance upon said court and five cents for each mile traveled and the ferriage actually paid, the same to be paid in like manner as in the circuit court of the county. Said witnesses shall be subject to the same penalties for failure to attend said court as they are in said circuit court.

Sec. 14. The commissioners court of the county shall furnish all necessary books, blanks and stationery for the use of said court.

Sec. 15. The clerk of said court must issue executions on all criminal judgments within ten days after the rendition of the judgment, and the same shall be made returnable six months after said rendition, and six months shall intervene between the issue and return of any subsequent execution from such court; that



alias and pluries executions may issue in both civil and criminal cases as in the circuit courts of this State. That except as herein otherwise provided articles 1, 2, 3, 4, 5, 6, 7, 8 and 9 of chapter 85 of the 1907 code, on the subject of executions, shall apply to said court, and govern in all matters having reference to the different subjects treated of in said articles.

Sec. 16. Prosecutions in said court shall be commenced in the manner provided for in section 6703 of the 1907 code, and warrants of arrest shall issue from said court as therein provided.

Sec. 17. All fines and forfeitures collected by said court shall be paid by the clerk into the county treasury.

Sec. 18. The rules of pleadings and practice in civil cases in said court shall be the same as in the circuit court so far as the same are applicable, and in criminal cases it shall be the same as in the county courts so far as the same apply, and article 3 of chapter 198 of the 1907 code shall have force and effect and govern in said court so far as the same are applicable and do not conflict with the provisions of this act.

Sec. 19. That the judge of said court shall in all cases tried in said court, determine both the law and the facts, without the intervention of a jury, and render such judgment as justice may require.

Sec. 20. Any party shall have the right of appeal from the judgment of said court to the circuit court of the county, and the law regulating appeals and certiorari of cases from courts of justices of the peace shall apply to the appeals and certiorari of cases from the court established by the provisions of this act.

State of Alabama, }  
Pickens County. }

Before me, Jack M. Pratt, a notary public, in and for said State and county, personally appeared A. W. Struthers, who being by me duly sworn, doth depose and say, that he is the editor of the West Alabamian, a weekly newspaper, published at Carrollton, Pickens county, Alabama, and that he has had to appear in said paper for four successive issues, the notice of a bill to

create for the county of Pickens an inferior court for said county, the same being hereto attached, and the dates of said publications being as follows, to-wit: March 8th, March 15th, March 22nd, and March 29th, 1911.

Witness my hand and seal this the 29th day of March, 1911.

A. W. Struthers.

Sworn to and subscribed before me this the 29th day of March, 1911.

Jack M. Pratt,  
Notary Public.

By Mr. Arnold:

H. 818. To amend subdivision 7, of section 1467, of the code of Alabama.

Revision of Laws.

H. 819. To make further appropriations to pay the per diem and mileage of the members, officers and employees of the Legislature of Alabama and other expenses thereof for the present session.

Appropriations.

#### RESOLUTIONS.

The following resolutions were introduced:

By Mr. Chamberlain:

H. R. 114. Be it resolved by the house, That the afternoon session of this day be devoted to calling the roll of the House, and allowing each member as his name is called, to call a bill for passage.

And the resolution was referred to the standing committee on Rules.

By Mr. Almon:

H. J. R. 115. Be it resolved by the House, the Senate concurring, That the secretary of State be instructed to have the Journals of the House and Senate each bound in two volumes, and that the additional sum of three hundred and five dollars (\$305) be appropriated to carry this resolution into effect.

And the resolution was referred to the standing committee on Rules.

Mr. Bush gave notice that on the next Legislative day he would move to take the bill, H. 237, from the adverse calendar.

Mr. Cranford called up his motion to take from the ~~adverse calendar H. 512, the motion prevailed and the~~ bill, H. 512, for the relief of Walter Jones, administrator of the estate of P. P. Jones deceased.

Was read a second time and placed upon the regular calendar of the House.

Mr. Butt called up his motion to take from the adverse calendar, H. 419.

The motion prevailed, and the bill:

H. 419. To enlarge the powers of the railroad commission of Alabama; to increase the membership of said commission by appointment by the governor of two additional members of said commission, if he should deem it advisable, and provide for their compensation and term of office and the election of their successors; to extend its jurisdiction over the other public utilities of the State, namely, express, street railway, traction, canal, pipe line, gas, electric light, heat and power, water, telephone, telegraph or other corporation, association or joint stock company within the State of Alabama for public use, under privileges granted by the State or any county or municipality thereof.

Was read a second time and placed upon the regular calendar of the House.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from his excellency the governor, with his objections and proposing an amendment to:

S. 27. To make appropriations for the ordinary expense, for the executive, Legislature and judicial departments of the State, for the interest on the public debt and for public schools.

And the Senate has amended the bill as proposed by the Governor by adopting and concurring in such proposed amendment.

Yeas, 28; nays, 0.

Which is a majority of the whole number elected to the Senate, and the Senate herewith sends said bill with the governor's message and proposed amendment herewith to the House of Representatives.

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

On motion of Mr. Rice, the House concurred in and adopted the governor's amendment to the bill, S. 27, said governor's amendment being as follows:

Add to section 81 of said bill the following:

Said sum so appropriated shall not be paid except upon the approval of the governor, who may, as in his opinion the state of the treasury warrants, allow the payment of all or any part of the same or decline to approve the payment of all or any part of the same."

And, after the word "appropriated" in the last line of said bill, the following:

"Wherever any office has been created, or wherever the salary of any existing office has been increased and monies have not been expressly appropriated to pay the salaries of the officers whose offices have been created, or the increase in the salaries of officers or employees whose salaries have been increased, such sum or sums as may be necessary to pay the same at the rate and in the manner required by the existing laws is hereby appropriated.

Yeas, 58; nays, 0.

Yeas:

Messrs:—

Speaker	Brewer	Brown (Tuscaloosa)
Acker	Brindley	Butt
Arnold	Boswell	Carroll
Avery	Brown (Pike)	Chamberlain

Cranford	Lee	Ramsey
Eastis	Letson	Richeson
Edmonds	Lloyd	Roberson
Flanagan	Martin (Calhoun)	Smith
Fowlkes	Mathews	Strickland
Fuquay	Milner	Sturdivant
Greene	Molton	Sullivan
Hood	McDonald	Wadden
Horton	Nicholson	Waits
Huddleston	Parks	Walden
Jackson	Pitts	Walker
James	Popwell	Whately
Johnson (Clarke)	Preston	Wheeless
Johnson (Marshall)	Pruett	Wilhite
Judge	Quin	Wright
Lane		

—58

## GOVERNOR'S MESSAGE.

On motion of Mr. Walker, the House concurred in and adopted the amendment proposed by the governor to the bill, H. 399, said governor's amendment being as follows:

Montgomery, Ala., March 24th, 1911.

To the House of Representatives:

I herewith return House bill 399, without my approval, and suggest the following amendment to meet my objection thereto:

Amend the bill by striking out the words "twelfth Monday in August" and inserting in lieu thereof the words "fourth Monday in August."

Emmet O'Neal,  
Governor.

Yeas, 59; nays, 0.

Yeas:

Messrs:—

Speaker	Brewer	Carroll
Acker	Brown (Pike)	Chamberlain
Arnold	Brown (Tuscaloosa)	Cranford
Avery	Butt	Eastis

Edmonds	Letson	Ramsey
Flanagan	Lloyd	Richeson
Fowlkes	Martin. (Calhoun)	Smith
Fuquay	Mathews	Strickland
Greene	Milner	Stollenwerck
Hood	Molton	Sturdivant
Horton	McDonald	Sullivan
Huddleston	Nicholson	Waddell
Jackson	Page	Waits
James	Parks	Walden
Johnson (Clarke)	Pittman	Walker
Johnson (Marshall)	Pitts	Whatley
Judge	Popwell	Wheeless
Kilburn	Preston	Wilhite
Lane	Pruett	Wright
Lee	Quinn	

—59

## MESSAGE FROM THE SENATE.

**Mr. Speaker:**

The President and presiding officer of the Senate having signed the following Senate bills:

S. 47. An act to repeal sections 3654, 3655, 3656, 3657, 3658, 3659, 3660, 3661 of the code of Alabama.

S. 370. An act to increase the salary of the solicitor of Montgomery county from \$3,000.00 to \$4,200.00 annually.

Your signature thereto is requested.

J. A. Kyle,  
Secretary.

## SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill:

H. 436. For additional appropriations to those already provided for in section 2047 of the code of Alabama made out of the treasury of the State of Alabama, ~~for the purpose named.~~

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

The committee on Engrossed bills have examined the following House bills:

H. 706. To provide for the more efficient working of the public roads in Mobile county, and certain streets and public thoroughfares in the city of Mobile; provide for the control, working, building, maintenance and improvement of the same by the board of revenue and road commissioners of Mobile county; to prescribe the duties and fix the authority of said board; provide for the levy and collection of a road tax, and the method of disbursing monies necessary to carry out the provisions of this act and provide penalties for violations of its provisions, approved August 2nd, 1907.

H. 700. To repeal an act entitled, "an act to provide for the better construction, repairing, working and maintaining the public roads and bridges in Franklin county, Alabama," approved July 31st, 1907.

H. 701. To repeal an act entitled, "an act to amend an act to provide for the better construction, repairing, working, and maintaining the public roads and bridges in Franklin county," approved July 31st, 1907, approved August 20th, 1909.

H. 502. To authorize and direct the Commissioners' Court of Calhoun County to draw, or cause to be drawn a warrant on the County Treasurer of Calhoun County in favor of Walter Dean for the sum of Five Hundred

Nine and 28/100 Dollars, in payment of the interest on money borrowed by Calhoun County from the said Walter Dean, and to authorize and direct the payment of said warrant by the County Treasurer of Calhoun County out of the general funds of said County.

H. 705. To provide for and regulate the purchase of books, printing, stationery, material and supplies for the officers of Mobile county, the cost of which is now or may hereafter be made, a charge upon said county.

H. 697. To provide for the further protection of fish and to prevent the taking or catching of fish except with hook and line or with spear, cast net or gig in any lake, river, creek, stream, lagoon or bayou in Baldwin county, Alabama, except that portion of said county which lies south of the northern boundary line of township 8 south and west of the western boundary line of range 4 east, and Weeks Bay and that portion of streams emptying into Weeks Bay one mile from the mouth thereof, and except Bon Secour Bay and the streams emptying into Bon Secour Bay two miles from the mouth thereof, and except Bon Secour River below Childress' Store; and to provide penalties for the violation of this act.

And find same correctly engrossed.

A. K. Merrill,  
Chairman.

The report of the committee was concurred in.

#### REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

The committee on Engrossed bills have examined the following House bills:

H. 127. To make appropriation for the maintenance of the Alabama industrial school for white boys for the years 1911, 1912, 1913 and 1914, and to make provision for an existing indebtedness of said school.

H. 600. To authorize Counties in the State of Alabama, whose bonded or other indebtedness does not exceed \$50,000 at the time of the negotiation, to borrow



an amount of money not exceeding \$50,000 to be used in the building, constructing and maintaining the public roads and highways of such County, and to authorize the issuance of warrants not to extend beyond ten years in payment thereof, and to prescribe the rate of interest to be charged.

~~H. 989. To amend sections 1861, 1862 and 1863 of the code of Alabama.~~

H. 710. To authorize the county of Shelby, State of Alabama, to issue long time interest bearing warrants to an amount not exceeding thirty thousand dollars, for the purpose of funding its outstanding indebtedness, and the accrued interest thereon.

And find same correctly engrossed.

A. K. Merrill,  
Chairman.

The report of the committee was concurred in.

#### BILLS ON THIRD READING.

H. 404. To provide for the acquirement or establishment of highways in cities and towns under certain conditions and agreements and to provide for the improvement of such highways.

Was taken up.

Mr. Judge offered the following amendment to the bill:

To amend the caption of said bill so as to read as follows:

To provide for the acquirement or establishment of highways in cities having a population of more than one hundred thousand people according to the last Federal census or according to any subsequent Federal census, under certain conditions and agreements and to provide for the improvement of such highways.

To amend said bill by adding thereto and at the end thereof the following: "Provided, however, that the provisions of this act shall apply only to cities that have a population of one hundred thousand people according to the last Federal census or according to any subsequent Federal census."

2nd. To strike out the word "town" wherever the same may appear in said bill.

And the amendment was adopted.

Yeas, 55; nays, 0.

### Yeas:

#### Messrs:—

Speaker	Horton	Preston
Acker	Huddleston	Pruett
Arnold	Jackson	Quinn
Barnard	James	Ramsey
Brewer	Johnson (Clarke)	Richeson
Brindley	Johnson (Marshall)	Roberson
Brown (Pike)	Judge	Strickland
Brown (Tuscaloosa)	Lane	Sturdivant
Butt	Lawson	Sullivan
Carroll	Lee	Thomas
Chamberlain	Letson	Waddell
Cranford	Lloyd	Watts
Eastis	Martin (Calhoun)	Walden
Edmonds	Molton	Walker
Flanagan	McDonald	Whitley
Fowlkes	Nicholson	Wheless
Fuquay	Parks	Wilhite
Greene	Pegram	Wright
Hood		

—55

And the bill:

H. 404. To provide for the acquirement or establishment of highways in cities and towns under certain conditions and agreements and to provide for the improvement of such highways.

As amended was read a third time at length and passed.

Yeas, 52; nays, 3.

### Yeas:

#### Messrs:—

Speaker	Avery	Brindley
Acker	Barnard	Boswell
Arnold	Brewer	Brown (Pike)

Brown (Tuscaloosa)	James	Preston
Butt	Johnson (Clarke)	Pruett
Carroll	Judge	Quin
Chamberlain	Lane	Ramsey
Cranford	Lee	Roberson
Eastis	Letson	Smith
Edmonds	Lloyd	Strickland
Flanagan	Martin (Calhoun)	Stardvant
Fowlkes	Molton	Sullivan
Fuquay	McDonald	Waddell
Greene	Nicholson	Waits
Hood	Parks	Walden
Horton	Pegram	Walker
Huddleston	Popwell	Wilhite
Jackson		

—52

# Nays:

Messrs:—

Johnson (Marshall)	Whatley	Wheless
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—3

S. 159. To amend section 1995 of the code of Alabama, 1907.

Was read a third time at length and passed.

Yeas, 63; nays, 0.

# Yeas:

Messrs:—

Speaker	Cranford	Johnson (Marshall)
Acker	Darden	Judge
Arnold	Eastis	Knight
Avery	Edmonds	Lane
Barnard	Flanagan	Lawson
Bell (Pickens)	Fuquay	Lee
Brewer	Greene	Letson
Boswell	Hood	Lloyd
Brown (Pike)	Horton	Martin (Calhoun)
Brown (Tuscaloosa)	Huddleston	Mathews
Butt	Jackson	Merritt
Carroll	James	Milner
Chamberlain	Johnson (Clarke)	Molton

McDonald	Pruett	Sullivan
McLendon	Quin	Waddell
Nicholson	Ramsey	Waits
Parks	Richeson	Walden
Pharr	Rylance	Walker
Pegram	Smith	Whatley
Popwell	Strickland	Wheless
Preston	Sturdivant	Wilhite

—63

S. 124. (With amendment.) To amend sections 1626, 1637, 1638, 1639, 1640 of the code of Alabama of 1907.

Was taken up.

The question was upon the adoption of the amendment reported by the standing committee on Public Health, said amendment being as follows:

Amendments in House committee to sections 2 and 3.

Section 2. Strike out sub-section 2 which is in the following words: "Being so infirm mentally as to render him unsafe or unreliable as a practitioner."

Section 3. In 10th line after the words "from time to time" add "but the person whose qualification is under consideration may elect to have said hearing solely in the county in which he resided at the time complaint was filed."

In 29th line after the words "Counsel, or both" add "but said person may elect to have said hearing public."

In 47th line substitute for the word "two" the words "not less than ten nor more than one."

To the end of said section add the following: "An appeal to the supreme court of Alabama may be taken from any order revoking a certificate of qualification made by said board; in which event said board shall send the said court a certified copy of the complaint and other papers in the hearing, and a certified statement of the substance of all of the evidence introduced at the hearing; and the court shall consider said certified copy and said certified statement, and enter such judgment of affirmance, or reversal, or dismissal, as may seem

proper to the court on consideration of the whole case.

On motion of Mr. Arnold, the amendment offered by the committee was laid upon the table.

Mr. McLendon offered the following substitute for the bill:

SUBSTITUTE FOR SENATE BILL 124.

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By Mr. McLendon:

A BILL

To be entitled an act to amend sections 1626, 1637, 1638, 1639 and 1640 of the code of Alabama of 1907.

Section 1. Be it enacted by the Legislature of Alabama that section 1626 of the code of Alabama of 1907 be and the same is hereby amended so as to read as follows:

1626. Board of Medical Examiners.—The board of censors of the medical association of the State of Alabama as constituted under the laws now in force, or which may hereafter be in force, is hereby constituted a State board of medical examiners and is hereby charged with the duties and clothed with the powers hereinafter prescribed.

Section 2. The section 1637 of the code of Alabama of 1907 be and the same is hereby amended so as to read as follows:

1637. Revoking certificate of qualification to practice medicine.—The State board of medical examiners may revoke a physician's certificate of qualification to practice medicine for any of the following:

(1) Using spirituous, vinous or malt liquors, or morphine, opium, cocains, or other stimulants or narcotics, to such an extent as to render him unsafe or unreliable as a practitioner.

(2) Being guilty of gross immorality that would tend to bring reproach upon the medical profession of the State.

(3) Being guilty of unprofessional conduct of a character likely to deceive, defraud, or injure the public in matters pertaining to health;

(4) Advertising himself or his practice, whether through newspapers or other periodicals, or by circulars, or otherwise, in such manner as tends to mislead or deceive the public in matters pertaining to health.

(5) Inducing or aiding in inducing, or attempting, or aiding in an attempt, to induce, a criminal abortion, or a criminal miscarriage, or a criminal premature delivery of a woman, provided that inducing, or aiding in inducing an abortion, or a miscarriage, or a premature delivery of a woman when done for the purpose of saving her life shall not be deemed criminal, but before resorting to any of said methods of saving a woman's life the attending physician shall use due diligence to obtain the advice and help of one or more consulting physicians;

(6) Performing an operation of major surgery when his certificate of qualification does not entitle him so to do;

(7) Being convicted in any court anywhere, while holding a certificate of qualification to practice medicine, of any offense involving moral turpitude, whether committed under color of his professional duty, or connected therewith, or not;

Section 3. That section 1638 of the code of Alabama of 1907 be and the same is hereby amended so as to read as follows:

1638. Investigation as to revocation of certificate of qualification.—Whenever written complaint is made to the State board of medical examiners that a physician has committed any of the acts, or come within any of the disabilities, enumerated in the preceding section, it shall be the duty of said board to hear and determine said complaint, the hearing to be held at such place or places in the State of Alabama, and at such time or times as the board may decide upon from time to time, provided that the person whose qualification is under consideration may elect to have said hearing solely in the county in which he resided at the time the complaint was filed. The person whose qualification is under consideration shall have not less than twenty (20) days written notice of the time and place of the

initial hearing, which notice shall be accompanied by a copy of the complaint. Said notice may be served by any sheriff of the State of Alabama, or by any member of the medical association of the State of Alabama, and if served by a member of said association the return of service shall be sworn to by said member before some officer authorized to administer affidavits.

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But if said person is out of the State, or evades service, or cannot be served in person, then the service may be made by mailing a copy of the complaint and of the notice to said person at his last known post office address in this State, and the return shall show that service has been made in this manner. The investigation shall be held with as little publicity as practicable consistently with a fair and impartial hearing, but said persons may elect to have said hearing in public. At the hearing the complaint and the person whose qualification is under consideration and any other person who may be permitted so to do by the board shall have the right to introduce all such oral testimony, or written testimony, or both, as the board may deem relevant to the issues involved, and and the right to be heard in person, or by counsel, or both. The board shall have full power to permit the complaint to be amended, provided that no amendment shall be permitted that is not germane to the charge or charges sought to be amended, or that materially alters the nature of any offense charged, or that of any essential specification under a charge. The board shall have the right to determine all questions as to the sufficiency of the complaint, as to procedure, and as to the admissibility and weight of evidence. If the person whose qualification is under consideration absents himself the hearing may proceed in his absence. To any such hearing witnesses may be subpoenaed by the board on its own motion, or on demand of either side by subpoenas signed by the chairman of the board of medical examiners, or by the person at the time discharging the duties of said officer; and such subpoenas may be served by any sheriff of the State of Alabama, or by any member of the medical association of

the State of Alabama and if served by a member of said association the return of service shall be sworn to by said member before some officer authorized to administer affidavits. Witnesses may be sworn by said chairman or said person discharging the duties of said chairman. Any witness failing to attend shall be liable to a penalty of not less than ten nor more than one hundred dollars to be recovered by the board of medical examiners if the witness were summoned on behalf of the complaint, or by the person whose qualification is under consideration if the witness were summoned on his behalf, by suit in any court of competent jurisdiction. In such suit the witness may offer in bar of said suit, and have the validity thereof passed upon, any excuse he may have for non-attendance. In any such suit the return on the subpoena and the certificate of the non-attendance of the witness by the chairman of the board of medical examiners, or the person at the time discharging the duties of said chairman, shall respectively be prima facie evidence of said service of subpoena and said non-attendance. Any witness attending any such hearing shall immediately upon his discharge as a witness be paid by the board two dollars per day for his attendance and the actual cost of his transportation to and from the place of hearing not exceeding three cents for each mile traveled, to be paid out of the funds of the State board of health. If the board is of the opinion that the number of subpoenas desired by said person whose qualification is under consideration is unreasonable it may for the witnesses above what it considers a reasonable number require of said person a deposit with which to pay the mileage and per diem of said witnesses. After the hearing the board may return to said person that portion of said deposit which was for witnesses whose evidence shows that they were not unreasonably summoned. Evidence by deposition may also be taken, the commission being issued by the chairman of the board, and the law and practice as to depositions in court shall be followed in all reasonable respects; and no such deposition shall be suppressed



if fairly taken and no injustice will result from its admission. Whenever it has been established by the judgment of a court of competent jurisdiction that a physician has committed any of the acts, or come within any of the disabilities enumerated in the preceding section, the filing of a certified copy of such judgment with the board shall be sufficient to justify the ~~revocation of his license without further hearing, unless the board is of the opinion that fairness to said physician requires that a regular hearing be held.~~

An appeal may be taken to the circuit court or court of like jurisdiction, of the county in which the person whose certificate is ordered revoked from any order revoking a certificate of qualification made by said board within thirty (30) days after the rendition thereof. Any person desiring to take an appeal under this section shall, within thirty (30) days after such order revoking such certificate has been made, file in the office of the clerk of the court to which such appeal is taken a statement in writing setting forth the fact that such order revoking such certificate has been made, and the ground or grounds upon which such order revoking such certificate was made, and the names and residences of the persons constituting such board, and shall also file along with such written statement a bond to be approved by the clerk of such court conditioned to pay the costs of the appeal if judgment is rendered against the party taking such appeal; and thereupon the clerk of such court shall issue a citation to the chairman of such board requiring him on behalf of such board to appear before such court at a time to be named in such citation and not later than the next succeeding term of such court, provided that such appeal is not taken within thirty (30) days next preceding the succeeding term of such court, in which event such citation may be made returnable to the next term of the court to be held after such succeeding term. If an appeal is taken under the provisions of this section the cause shall be docketed in the name of the chairman of such board as plaintiff, with the name of the party whose certificate has been revoked as defendant; and the

plaintiff in such cause shall, under the direction of the board, file in said court a written statement signed by him as chairman, or by the attorney of the board, setting forth specifically the charges against the said defendant and the reasons why the certificate of qualification should remain revoked, and the defendant shall take issue thereon by pleading the general issue. Thereupon the cause shall be tried de novo, and if judgment in said cause is rendered in favor of the plaintiff the court shall enter a judgment affirming such certificate, and shall tax the defendant with the costs of such cause; if judgment is rendered in favor of the defendant the court shall make an order vacating such order revoking such certificate and shall tax the costs of such cause against the plaintiff. Upon a demand in such court made in writing by either party to said cause all the issues of facts in said cause shall be submitted to a jury to be selected, empaneled, and sworn as other juries are selected, empaneled and sworn in civil cases. The plaintiff or defendant may appeal to the supreme court of Alabama from any judgment rendered in said cause by said court in the same manner as appeals are now taken to the supreme court in civil cases. Upon such appeal there shall be furnished on the bill of exceptions a complete statement of all the evidence taken in the trial of the cause in the court below and the supreme court shall upon such evidence render final judgment in the case, either by affirming the judgment of the lower court, or by reversing and rendering such judgment as the supreme court may deem proper in the case.

Section 4. That section 1639 of the code of Alabama of 1907 be and the same is hereby amended so as to read as follows:

Section 1639. Revocation and report to judges of probate.—The board of medical examiners of the State of Alabama shall not order the revocation of the certificate of qualification of a physician unless at least eight (8) members of the board are present at the time such order is made, nor then if two or more of those present vote against such order. Whenever the State

board of medical examiners decides to revoke a certificate of qualification said board shall issue an order of revocation and shall give written notice thereof to the judges of probate of the counties in which such certificate is recorded, provided that if said board of medical examiners receives written notice of appeals from ~~its decision in accordance with the preceding section~~

it shall withhold said notice of revocation from such judges of probate until such time as the result of the appeal becomes known. Whenever a judge of probate receives written notice from the State board of medical examiners that a certificate of qualification of a physician which is on record in his office has been revoked he shall cause an entry to be made on the margin of such recorded certificate to the effect that upon the order of the State board of medical examiners the certificate has been revoked, entering at the same time the date of revocation. If a judge of probate receives notice from the State board of medical examiners that the certificate of qualification of a physician residing in his county has been revoked and if the certificate of qualification of such physician has never been placed on record in his office he shall cause a notice of the revocation of such certificate to be spread on the record book in which the certificates of qualification of physicians in the county are recorded.

Section 5. That section 1640 of the code of Alabama of 1907 be and the same is hereby amended so as to read as follows:

1640. Effect of revocation; issue of new certificate. Whenever the certificate of qualification of a physician has been revoked it shall be unlawful for him to practice medicine in this State, provided that the State board of medical examiners may issue to such physician, either with or without re-examination, a new certificate of qualification whenever it deems such course safe and just. Upon receipt of such new certificate of qualification it shall become lawful for such physician to re-enter upon the practice of medicine.

Mr. Letson offered the following amendment to the substitute:

Amend substitute to Senate bill 124, by striking out subdivision 4 of the section 2.

On motion of Mr. Merritt, the amendment offered by Mr. Letson was laid upon the table.

And the substitute offered by Mr. McLendon was adopted.

Yeas, 73; nays, 9.

Yeas:

Messrs:—

Speaker	Jackson	Pegram
Acker	James	Pittman
Arnold	Jenkins (Bullock)	Pitts
Avery	Johnson (Clarke)	Popwell
Barnard	Johnson (Elmore)	Preston
Bell (Autauga)	Judge	Pruett
Bell (Pickens)	Kilburn	Quin
Brewer	Lavender	Ramsey
Boswell	Lawson	Richeson
Brown (Pike)	Lee	Rylance
Brown (Tuscaloosa)	Martin (Jackson)	Sanders
Burton	Mathews	Smith
Bush	Merrill	Strickland
Butt	Merritt	Stollenwerck
Carroll	Milner	Sturdivant
Chamberlain	Molton	Sullivan
Cranford	McCurdy	Twombly
Eastis	McDonald	Waddell
Fowlkes	McGowen	Waits
Fuquay	McLendon	Walden
Greene	Nicholson	Walker
Griffith	O'Neill	Whately
Helms	Parks	Wheeless
Horton	Pharr	Wilhite
Huddleston		

**Nays:**

Messrs:—

Edmonds	Johnson (Marshall)	Letson
Flanagan	Judge	Lloyd
Hood	Knight	Overton

—9

**And the bill:**

S. 124. To amend sections 1626, 1637, 1638, 1639, 1640 of the code of Alabama of 1907.

As amended by the substitute, was read a third time at length and passed.

Yeas, 59; nays, 16.

**Yeas:**

Messrs:—

Speaker	Jackson	Popwell
Acker	James	Preston
Arnold	Johnson (Elmore)	Pruett
Avery	Jones	Quinn
Bell (Autauga)	Kilburn	Ramsey
Bell (Pickens)	Lawson	Richeson
Boswell	Lee	Roberson
Brown (Pike)	Lloyd	Rylance
Brown (Tuscaloosa)	Martin (Calhoun)	Sanders
Butt	Martin (Jackson)	Smith
Carroll	Mathews	Strickland
Chamberlain	Merritt	Sullivan
Cranford	Molton	Waddell
Darden	McCurdy	Waites
Eastis	McGowen	Walden
Fowlkes	Nicholson	Walker
Fuquay	Pharr	Wheless
Greene	Pegram	Willhite
Horton	Pittman	Williams
Huddleston	Pitts	

—59

**Nays:**

Messrs:—

Barnard	Griffith	Judge
Edmonds	Hood	Knight
Flanagan	Johnson (Marshall)	Letson

Mastin	Sturdivant	Whatley
Merrill	Twombly	Wright
Overton		

—16

H. 373. (With amendment.) To appropriate sixty-nine hundred and ten and 6-100 (\$6,910.06) dollars of the two and three per cent fund in the treasury of Alabama to the Montgomery and Chattanooga Railroad Company, a corporation duly organized and existing under the laws of the State of Alabama.

Was taken up.

The question was upon the adoption of the amendment reported by the standing committee on appropriations, said amendment being as follows:

Amend H. 373, by striking out of section one the words "When the said Montgomery and Chattanooga Railroad Company shall have graded ten miles of its proposed line of railroad and shall have furnished to the State treasurer an affidavit of its president and secretary, that said ten miles has been graded" and add in lieu thereof the words: When the said Montgomery and Chattanooga Railroad Company shall have completed ten miles of its proposed line of railroad between Alexander City, Ala., and Montgomery, Alabama, and is operating same as a common carrier, and shall have furnished to the State treasurer an affidavit of its president and secretary that said ten miles has been completed and is being operated as a common carrier, and that said Montgomery and Chattanooga Railroad Company holds proper title to said ten miles of right of way.

And the amendment was adopted.

Yeas, 61; nays, 1.

Yeas:

Messrs:—

Speaker	Brown (Tuscaloosa)	Cranford
Acker	Butt	Darden
Avery	Capps	Eastis
Brewer	Carroll	Edmonds
Brown (Pike)	Chamberlain	Flanagan

Fowlkes	Lawson	Pittman
Fuquay	Lee	Preston
Greene	Letson	Pruett
Griffith	Lloyd	Quinn
Helms	Martin (Calhoun)	Richeson
Hood	Martin (Jackson)	Rylance
Horton	Mastin	Smith
Huddleston	Mathews	Strickland
Jackson	Merrill	Sturdivant
James	Molton	Sullivan
Jenkins (Baldwin)	Mulkey	Trombly
Johnson (Clarke)	Nicholson	Waddell
Johnson (Elmore)	Overton	Waits
Johnson (Marshall)	Pharr	Walker
Jones	Pegram	Whatley
Lavender		

—61

Nay:

Mr. McDonald.

—1

Mr. Rylance offered the following amendment to the bill:

Amend House bill 373, by striking out the words "sixty-nine hundred and ten and 6-100 (\$6910.06) in the first line of the caption and inserting in lieu thereof the words "thirty-four hundred and fifty-five and 3-100 (\$3455.03)" and by striking out the words "sixty-nine hundred and ten and 6-100" in the second and third lines of section 1 and inserting in lieu thereof the words "thirty-four hundred and fifty-five and 3-100.

And the bill was adopted.

Yeas, 68; nays, 0.

Yeas:

Messrs:—

Speaker	Brewer	Butt
Acker	Brown (Pike)	Capps
Avery	Brown (Tuscaloosa)	Carroll
Bell (Autauga)	Burton	Chamberlain
Bell (Pickens)	Bush	Cranford

Darden	Letson	Pittman
Eastis	Lloyd	Preston
Edmonds	Lumpkin	Pruett
Flanagan	Martin (Calhoun)	Quinn
Fowlkes	Martin (Jackson)	Ramsey
Fuquay	Mastin	Richeson
Greene	Mathews	Rylance
Griffith	Merrill	Sanders
Helms	Milner	Smith
Hollis (Walker)	Molton	Strickland
Hood	McCurdy	Sturdivant
Huddleston	McDonald	Waddell
James	Nicholson	Waits
Jenkins (Bullock)	O'Neill	Walker
Johnson (Elmore)	Page	Whatley
Johnson (Marshall)	Parks	Wheeless
Jones	Pharr	Wilhite
Lawson	Pegram	

—68

And the bill:

H. 373. To appropriate sixty-nine hundred and ten and 6-100 (\$6,910.06) dollars of the two and three per cent fund in the treasury of Alabama to the Montgomery and Chattanooga Railroad Company, a corporation duly organized and existing under the laws of the State of Alabama.

As amended was read a third time at length and passed.

Yeas, 67; nays, 0.

Yeas:

Messrs:—

Speaker	Butt	Fowlkes
Acker	Capps	Fuquay
Avery	Carroll	Greene
Barnard	Chamberlain	Hood
Bell (Autauga)	Cranford	Horton
Bell (Pickens)	Darden	Huddleston
Brewer	Eastis	Jackson
Brown (Pike)	Edmonds	Jenkins (Bullock)
Brown (Tuscaloosa)	Flanagan	Johnson (Marshall)



Jones	McDonald	Sanders
Judge	Nicholson	Smith
Lane	O'Neill	Strickland
Lawson	Overton	Stollenwerck
Lee	Page	Sturdivant
Letson	Parks	Sullivan
Lloyd	Pharr	Waddell
<del>Martin (Colborn)</del>	<del>Popwell</del>	<del>Watts</del>
Martin (Jackson)	Preston	Walker
Mathews	Pruett	Whatley
Merrill	Quinn	Wheless
Merritt	Rice	Wilhite
Molton	Rylance	Wright
McCurdy		

—67

## MESSAGE FROM THE SENATE.

**Mr. Speaker :**

The President and presiding officer of the Senate having signed the following Senate bills:

S. 262. An act to amend section 6169 of the code of Alabama.

S. 280. An act to amend section 735 of the code of Alabama of 1907.

S. 285. An act to authorize the introduction in evidence of documents executed prior to February 12, 1879, by the governor in person or in his name by his secretary, purporting to convey any of the State's lands, but ineffective as conveyances, and certified copies of the record of any such documents which have been recorded for as much as twenty years, and to prescribe the probative effect of such documents and copies.

S. 341. An act to provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection and election of commissioners and

their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government.

Your signature thereto is requested.

J. A. Kyle,  
Secretary.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing message from the Senate.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The President and presiding officer of the Senate having signed the following Senate bills:

S. 164. An act to provide for the appointment of an official bailiff for the city and circuit courts for the county of Montgomery, and to prescribe his duties, to fix his compensation, and to provide for the payment of the same.

S. 212. An act to provide for the refunding by the State and the various counties of the State of certain privilege taxes erroneously collected, and to make the necessary appropriation therefor.

S. 224. An act to ratify, confirm, and validate the census of the cities and towns in the State of Alabama, of seven thousand, and less, where the same has been taken as provided by the code of Alabama, of 1907, and the report of the same filed in the office of the secretary of State.

S. 295. An act to provide that all claims which are payable out of the fine and forfeiture fund of Wilcox county shall, in future, be paid out of the general fund of said county, and to fix the amount or percentage, of said claims which will be so paid and to regulate the payment of same.

S. 298. An act to regulate the practice in the circuit court of Cleburne county.

S. 314. An act to define the corporate limits of the town of Arifton, Dale county, Alabama.

S. 331. An act to authorize and empower the judges of the several law and equity courts in this State established by the present session of the Legislature of Alabama, or that may hereafter be created, to set down for trial any cause pending in said court; and to repeal any and all local laws to the contrary.

S. 336. An act for the relief of Mrs. Prasby Hodges of Henry county.

S. 345. An act to fix the terms of office of the commissioners of Henry county, Alabama.

Your signature thereto is requested.

J. A. Kyle,  
Secretary.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing message from the Senate.

Mr. Sanders called up his motion to take from the adverse calendar, House bills 344 and 345, and pending

the motion, the hour of one o'clock having arrived the House recessed until 3 o'clock p. m.

AFTERNOON SESSION.

The hour of 3 o'clock having arrived, the House reconvened.

Mr. Fowlkes gave notice that on tomorrow, he would move to take from the adverse calendar H. 731.

UNFINISHED BUSINESS.

The House proceeded to the consideration of the unfinished business, which was the motion to take the bills 344 and 345 from the adverse calendar.

On motion of Mr. Page the motion of Mr. Sanders was laid upon the table.

Mr. McLendon called up his motion to take the bill, H. 665 from the adverse calendar, and the same be placed upon the regular calendar.

The motion of Mr. McLendon was laid upon the table.

Mr. Burton called up his motion to take the bill, H. 377 from the adverse calendar.

Mr. Chamberlain moved to table the motion of Mr. Burton, and the motion to table was lost.

And the bill:

H. 377. To abolish the office of county treasurer in each county in the State of Alabama, and to require the several tax collectors and all other county officers receiving monies of the county to deposit the same, when collected by them, in such bank or banks as may be designated by the court of county commissioners or board of revenue to the credit of the county and subject to the order of said court or board of revenue.

Was taken from the adverse calendar and placed upon the regular calendar of the House.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

By Mr. Crumpton:

S. J. R. 112. Resolved by the Senate, the House concurring that the House be requested to return to the Senate, Senate bill 414 for the purpose of correcting errors therein.

And sends same herewith to the House.

J. A. Kyle,  
Secretary.

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SENATE MESSAGE.

The House concurred in Senate joint resolution 112, relative to the return to the Senate, S. 114.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment, proposed by his excellency, the governor to:

H. 399. To provide the time of holding the circuit court of Coosa county at Goodwater.

Yeas, 18; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment, proposed by his excellency, the governor to:

H. 254. To amend sections 7833, (5612) (3875) (4417) (4420) (3736, 3738) (189, 191) of the code of Alabama of 1907.

Yeas, 20; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment, proposed by his excellency, the governor to:

H. 147. To amend section 7692 of the code of Alabama of 1907.

Yeas, 20; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill:

H. 433. To detach Washington county from the thirteenth judicial circuit and to attach it to the first judicial circuit of Alabama, and to fix the times of holding the terms of the circuit court for said county.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

GOVERNOR'S MESSAGE.

On motion of Mr. Whatley, the House concurred in and adopted the amendment proposed by the governor to the bill H. 523, said governor's amendment being as follows:

March 24th, 1911.

To the House of Representatives:

I herewith return House bill 523 without my approval, and suggest the following amendments to meet my objections thereto:

Amend section 11, by adding after the last word therein the following: "Provided, that it not the intent of this act, nor shall it or any part of it be so construed as to repeal or conflict with the provisions of section 1335 of the code of 1907."

Amend section 20, by striking out the words "three dollars," wherever they now appear therein, and insert in lieu thereof the words "five dollars."

Amend section 13, by inserting after the words "county of Houston," and before the words "set apart," the word "shall," by inserting after the word "roads" and before the word "and" in line 25 of said section the words "and bridges."

Amend section 15, by inserting after the word "roads" and before the word "in" in the 24th line thereof the words "and bridges"

Emmet O'Neal,  
Governor.

Yeas, 68; nays, 0.

**Yeas:**

Messrs:—

Speaker	Griffith	McGowen
Acker	Hood	Nicholson
Arnold	Horton	Pegram
Avery	Huddleston	Pittman
Barnard	Jackson	Pitts
Bell (Autauga)	James	Preston
Bell (Pickens)	Jenkins (Bullock)	Pruett
Brewer	Johnson (Clarke)	Quin
Boswell	Johnson (Elmore)	Roberson
Brown (Pike)	Johnson (Marshall)	Rylance
Brown (Tuscaloosa)	Jones	Smith
Burton	Judge	Strickland
Bush	Knight	Stollenwerck
Butt	Lawson	Sturdivant
Carroll	Lee	Sullivan
Chamberlain	Letson	Twombly
Cranford	Lumpkin	Waddell
Darden	Martin (Calhoun)	Waits
Eastis	Martin (Jackson)	Walker
Flanagan	Mathews	Whatley
Fowlkes	Merrill	Wheless
Fuquay	McCurdy	Wright
Greene	McDonald	

## GOVERNOR'S MESSAGE.

On motion of Mr. Lane, the House concurred in and adopted the governor's amendment to the bill, H. 439, said governor's amendment being as follows:

March 24th, 1911.

To the House of Representatives:

I herewith return House bill 439, without my approval, and suggest the following amendment to meet my objection thereto:

Amend section 6 of the bill, by striking out the words following the word "compensation," as follows: "Such solicitor's fees of all cases tried and convicted in said county court while so acting," and inserting in lieu thereof the following: "The sum of ten dollars per day while so acting, which shall be paid out of the fund out of which the solicitor is paid."

This conforms this local bill to the provisions of section 7787 which fixes the general rule as to compensation of solicitors pre tem, which is preferable to the fee basis and more in accord with the spirit of section 167 of the Constitution.

Emmet O'Neal,  
Governor.

Yeas, 67; nays, 0.

Yeas:

Messrs:—

Speaker	Carroll	Hood
Acker	Chamberlain	Horton
Arnold	Cranford	Huddleston
Avery	Darden	Jackson
Bell (Autauga)	Eastis	Jenkins (Baldwin)
Bell (Pickens)	Edmonds	Jenkins (Bullock)
Brewer	Flanagan	Johnson (Clarke)
Boswell	Fowlkes	Johnson (Elmore)
Brown (Pike)	Fuquay	Johnson (Marshall)
Brown (Tuscaloosa)	Greene	Jones
Burton	Griffith	Judge
Bush	Hollis (Walker)	Lawson



Lee	Overton	Rylance
Letson	Pegram	Strickland
Lumpkin	Pittman	Stollenwerck
Martin (Calhoun)	Pitts	Sturdivant
Martin (Jackson)	Popwell	Sullivan
Mathews	Preston	Twombly
Molton	Pruett	Waits
McDonald	Quinn	Walker
McGowen	Ramsey	Wheless
McLendon	Roberson	Wright
Nicholson		

—67

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 206. To create and establish a school of Industry and Technology for Boys and Young Men in teaching and training them in useful and industrial pursuits and in the arts and sciences; to provide skilled labor in this State and to enable the students of such school to acquire such education and training by means of employing a part or portion of their time and labor while in school to pay all or part of their board, lodging and tuition, and to incorporate such institution under the name of the "Industrial and Technological Institute of Alabama" with perpetual succession to have a corporate seal, and to sue and be sued in the courts of this State of competent jurisdiction as in the cases of natural persons; to create a Board of Control composed of five persons, which may be increased by such board to not exceeding nine persons, with right to acquire by purchase, devise, bequest or otherwise any real or personal property, or both, for the benefit of such school, and with the authority to dispose of the same or any part thereof, and to authorize an appropriation by the State to aid in the erecting of suitable school buildings and equipment, and with power to give and grant to students certificates of proficiency in their studies and diplomas.

And sends the same to the House with notice and proof attached and herewith exhibited as follows:

State of Alabama, }  
St. Clair County. }

Personally appeared before me, Lee J. Merritt, a notary public in and for said State and county, E. E. Kersh, who being duly sworn, states that he is the publisher of the St. Clair County News, a newspaper published at Ragland, Ala., and that the attached notice was published for four consecutive weeks in the said newspaper, viz.: January 5, 12, 19 and 26, 1911.

#### NOTICE.

A bill will be introduced in the next Legislature of Alabama, in substance as shown by the following caption to wit:

To be entitled an act to create and establish a school of industry and technology for boys and young men in teaching and training them in useful and industrial pursuits and in the arts and sciences to provide skill labor in this state and to enable the students of such school to acquire such education and training by means of employing a part or portion of their time and labor while in school to pay all or in part of their board, lodging and tuition and to incorporate such institution under the name of Southern Industrial and Technological Institute of Alabama with perpetual succession to have a corporate seal, and to sue and be sued in the courts of this State of competent jurisdiction as in cases of natural persons, to create a board of control composed of five persons, which may be increased by such board to not exceeding nine persons, with right to acquire by purchase, devise, bequest or otherwise any real or personal property or both for the benefit of such school and with the authority to dispose of the same or any part thereof and to authorize an appropriation by the State to aid in the erecting of suitable school building and equipment, and with power to give or grant to

students certificates of proficiency in their studies and diplomas.

(Signed.) E. E. Kersh,  
Publisher.

L. J. Merritt,  
Notary Public.

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And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message was read one time and referred to an appropriate standing committee as follows:

Appropriations, S. 206.

BILLS ON THIRD READING.

H. 249. To amend section 6318 of the code.

Was taken up.

The question was upon the adoption of the substitute, reported by the standing committee on Judiciary, said substitute being as follows:

A bill to be entitled an act to amend section 6318 of the code of Alabama of 1907.

Be it enacted by the Legislature of Alabama, That section 6318 of the code of Alabama be and the same is hereby amended so as to read as follows:

6318. Judges not to practice law.—Any judge of a court of record in this State, who practices law in any of the courts of this State, or of the United States, or who renders any professional services or gives any legal advice for which a fee is charged by him, must on conviction be fined in such sum as the jury or court trying the same may assess.

And the substitute was adopted.

Yeas, 68; nays, 4.

## Yeas:

## Messrs:—

Acker	Helms	Molton
Arnold	Hollis (Walker)	McDonald
Barnard	Hood	McGowen
Bell (Autauga)	Horton	McLendon
Bell (Pickens)	Jackson	Nicholson
Brewer	James	O'Neill
Boswell	Jenkins (Bullock)	Parks
Brown (Pike)	Johnson (Clarke)	Pegram
Brown (Tuscaloosa)	Johnson (Elmore)	Pitts
Burton	Johnson (Marshall)	Popwell
Bush	Jones	Preston
Butt	Judge	Pruett
Capps	Lane	Quinn
Chamberlain	Lavender	Strickland
Cranford	Lawson	Stollenwerck
Darden	Lee	Thomas
Edmonds	Letson	Waddell
Flanagan	Lloyd	Waits
Fletcher	Lumpkin	Walden
Fowlkes	Martin (Calhoun)	Walker
Fuquay	Martin (Jackson)	Wilhite
Greene	Mathews	Wright
Griffith	Merritt	

—68

## Nays:

## Messrs:—

Milner	Sanders	Sturdivant
McCurdy		

—4

## And the bill:

H. 249. To amend section 6218 of the code.

As amended, was read a third time at length and passed.

Yeas, 64; nays, 2.

# 2012 JOURNAL HOUSE REPRESENTATIVES, 1911.

## Yeas:

Messrs:—

Acker	Huddleston	O'Neill
Avery	Jackson	Overton
Barnard	James	Pegram
Bell (Pickens)	Jenkins (Bullock)	Pitts
Brewer	Johnson (Clarke)	Popwell
Boswell	Johnson (Elmore)	Pruett
Brown (Pike)	Johnson (Marshall)	Quinn
Brown (Tuscaloosa)	Jones	Ramsey
Burton	Judge	Richeson
Bush	Lawson	Roberson
Butt	Lee	Rylance
Chamberlain	Letson	Strickland
Cranford	Lloyd	Stollenwerck
Darden	Lumpkin	Sullivan
Edmonds	Martin (Calhoun)	Thomas
Fowlkes	Martin (Jackson)	Waits
Fuquay	Mathews	Walden
Greene	Merrill	Whatley
Griffith	Molton	Wheless
Helms	McDonald	Wilhite
Hollis (Walker)	McGowen	Wright
Hood		

—64

## Nays:

Messrs:—

Milner	Sturdivant
--------	------------

—2

H. 279. To amend section 7677 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 64; nays, 1.

## Yeas:

Messrs:—

Speaker	Barnard	Brown (Tuscaloosa)
Acker	Bell (Autauga)	Burton
Arnold	Brewer	Bush
Avery	Brown (Pike)	Capps

Carroll	Johnson (Elmore)	Pitts
Chamberlain	Johnson (Marshall)	Popwell
Darden	Jones	Preston
Cranford	Judge	Pruett
Eastis	Lawson	Quinn
Edmonds	Lloyd	Rylance
Flanagan	Lumpkin	Strickland
Fowlkes	Martin (Calhoun)	Stollenwerck
Fuquay	Mathews	Sturdivant
Greene	Milner	Sullivan
Helms	Molton	Waddell
Hollis (Walke )	McCurdy	Waits
Hood	McDonald	Walden
Horton	McGowen	Whatley
Huddleston	Overton	Wheless
Jackson	Parks	Wilhite
Jenkins (Baldwin)	Pegram	Wright
Jenkins (Bullock)		

—64

Nay:

Mr. James.

—1

The bill H. 279 was ordered sent to the Senate without engrossment.

H. 278. To prevent trains, engines, cars and other vehicles on railroad and streets railroad tracks from being wrecked or caused to be wrecked and to provide for the punishment of persons guilty thereof.

Was read a third time at length and passed.

Yeas, 61; nays, 0.

Yeas:

Messrs:—

Speaker	Boswell	Carroll
Acker	Brown (Pike)	Chamberlain
Arnold	Brown (Tuscaloosa)	Cranford
Avery	Burton	Eastis
Barnard	Bush	Edmonds
Bell (Autauga)	Butt	Flanagan
Brewer	Capps	Fowlkes

Fuquay	Lumpkin	Preston
Greene	Martin (Calhoun)	Pruett
Hollis (Walker)	Mathews	Quinn
Hood	Molton	Rylance
Huddleston	McCurdy	Smith
James	McDonald	Sturdivant
Jenkins (Bullock)	McGowen	Sullivan
Johnson (Elmore)	Nicholson	Waddell
Johnson (Marshall)	O'Neill	Waits
Lawler	Overton	Whatley
Lawson	Pegram	Wheless
Lee	Pitts	Wilbrite
Letson	Popwell	Wright
Lloyd		

—61

The bill H. 278 was ordered sent to the Senate without engrossment.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 276. To appropriate ten thousand dollars for the purpose of constructing and equipping a dormitory and constructing or improving other school and farm buildings for the seventh district agricultural school and experiment station at Albertville, Alabama.

And sends same herewith to the House.

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message, was read one time and referred to an appropriate standing committee as follows:

Appropriations, S. 276.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 454. To establish an inferior court in precincts 21 and 37 lying within or partly within the city of Birmingham, Alabama, in lieu of all justices of peace in said precincts, and in lieu of all other inferior courts in lieu of justices of peace, heretofore created in said territory, and to define the jurisdiction and power of said court, and judges, clerks and other officers thereof, to provide separate divisions, and provide for places of holding the same.

And sends same herewith to the House without engrossment and with notice and proof thereto attached and herewith exhibited as follows:

## NOTICE.

To Whom It May Concern:

Notice is hereby given that a bill will be introduced at the present session of the Legislature of Alabama, the substance of which is to create an inferior court in the precincts that lie within or partly within the city of Birmingham, Alabama, being precincts 21 and 37, Jefferson county, Alabama, in lieu of all justices of the peace and notaries public ex-officio justices of the peace, and in lieu of all other inferior courts in lieu of justices of the peace heretofore created in said territory; to provide judges of said court, create divisions thereof, define the jurisdiction and powers of the judges, provide for the appointment of clerks and deputy clerks in certain divisions of said court, and provide for judges in certain divisions of said court, define the jurisdiction, salary or compensation and duties of said judges and clerks, to provide for the sheriff, constable or special constable to be officers of said court to execute its processes and for their compensation; to provide the manner of appointment or selection of said judges and clerks, and the terms of their office, to confer certain



jurisdiction over certain misdemeanors on said court, to provide against other justices of the peace in other precincts from usurping the jurisdiction of said court, to provide for the recording of the judgments of said court, to provide for the terms of said court, to provide for the appointment of special judges in case of the inability of the judges to hold court, to provide for the ~~auditor to audit the accounts of the clerks or judges,~~ to provide for an additional fee of fifty cents for costs, to provide for the regulation of garnishments in said court, and for the better security of wage exemptions in said court, to provide for the transfer of causes from the inferior courts of Birmingham to said court; to provide that the solicitor of the tenth judicial district shall prosecute misdemeanors in said court, and to provide for the appointment and compensation of the assistant solicitor to prosecute in said court; to abolish the inferior court of Birmingham; to provide for the board of revenue to provide and pay for places for the holding of said court, and other necessary expenses, and to provide for the payment of fees collected by the said judges or clerks into the county treasury.

Also a bill will be introduced at the present session of the Legislature of Alabama, the substance of which will be to abolish the offices of the inferior courts of Birmingham, Alabama.

The State of Alabama, }  
County of Jefferson. }

Before me, Henry J. Martin, a notary public, in and for said county and State, personally appeared, J. H. F. Mosley, who being first duly sworn, says on oath, that he is the manager of the Labor Advocate Publishing Company, the publisher of the "Labor Advocate," a newspaper published in Birmingham, Jefferson county, Alabama; that the notice, a copy of which is hereto attached, was inserted, published and appeared regularly in the said "Labor Advocate," in said Jefferson county, Alabama, once a week for four consecutive weeks, on to-wit, February 24, March 3, 10, and 17, 1911, without cost to the State.

J. H. F. Mosley.

Sworn to and subscribed before me this 18th day of March, 1911.

Henry J. Martin,  
Notary Public.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message, was read one time and referred to an appropriate standing committee as follows:

Local Legislation, S. 454.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills:

S. 458. To authorize the court of revenue of Lawrence county, Alabama, to borrow not exceeding twelve thousand dollars to be used in constructing and equipping a jail for said county and to issue interest bearing county warrants for the same to run one, two and three years, and to be borrowed from the party offering to make the loan at the lowest rate of interest.

And sends same to the House without engrossment and with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that a bill will be introduced at the present session of the Legislature of Alabama, and put upon its passage, to authorize the court of revenue of Lawrence county to borrow, not exceeding twelve thousand (\$1,200.00) dollars, to be used in the construction and equipment of a jail for said county, and to issue interest bearing county warrants for same,

to run one, two and three years. Said money to be borrowed from the person, firm or corporation offering to make the loan at the lowest rate of interest.

J. C. Kumpe.

State of Alabama, }  
Lawrence County. }

~~Before me, J. M. Irwin, a notary public in and for~~  
said county, personally appeared Jourd White, who being by me first duly sworn deposes and says, that he is one of the editors and proprietors of the Moulton Advertiser, a newspaper published in Moulton, Lawrence county, Alabama, and that the attached notice has been published at least once a week for four consecutive weeks in said Moulton Advertiser prior to the making of this affidavit.

Jourd White,  
Editor and Proprietor of the Moulton Advertiser.

Sworn to and subscribed before me this the 17th day of March, 1911.

J. M. Irwin,  
Notary Public for Lawrence County, Alabama.

Also:

S. 406. To amend section 6207 of the code of Alabama.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing Senate message, were read one time and referred to an appropriate standing committee as follows:

Local Legislation, S. 458, S. 406.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 450. To extend the term of the Senior Judge of the Criminal Court of Jefferson County, Alabama, four years beyond the term now fixed by law, so as to make the present term terminate in November, 1916; and to repeal such parts of Section 2 of an act to establish the Criminal Court of Jefferson County, approved December 8, 1884, as amended by an act approved December 7, 1900, as are in conflict with the provisions of this act.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE.

Notice is hereby given that during the next session of the Legislature of Alabama, a bill, in substance as follows, will be introduced and applied for:

A bill to be entitled an act to extend the term of the senior judge of the criminal court of Jefferson county, Alabama, four years beyond the term now fixed by law, so as to make the present term terminate in November, 1916; and to repeal such parts of section 2 of an act to establish the criminal court of Jefferson county, approved December 8, 1884, as amended by an act approved December 7, 1900, as are in conflict with the provisions of this act.

1. *Be it enacted by the Legislature of Alabama,* That the present judge of the criminal court of Jefferson county, now known and called the senior judge of the criminal court of Jefferson county, or his successor, shall be, remain and continue judge of said court until the expiration of the present term of office and for an additional term of four years thereafter, to-wit: Until the general election to be held in this State in the year 1916, unless he shall be removed, resign or die, in which event the governor shall appoint a judge of said court to fill such vacancy.

State of Alabama,    }  
Jefferson County.    }

Before me, William Blanks Everett, a notary public, in and for Jefferson county, Alabama, personally ap-

peared J. Chas. de Lacey, who being duly and legally sworn on oath, deposes and says, that he is the editor and publisher of the Ensley Sun, a newspaper published in Ensley, Jefferson county, Alabama, that the notice which is hereto attached was inserted in and appeared in said Ensley Sun, once a week for four consecutive weeks, appearing in said paper on January 6th, 1911; January 13th, 1911; January 20th, 1911; and January 27th, 1911. The said notice appearing and being published in full in each of said issues, of said newspaper, without cost to the State.

J. Chas. de Lacey.

Sworn to and subscribed to before me, this March 20th, 1911.

Wm. Blanks Everett,  
Notary Public in and for Jefferson County, Ala.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message, was read one time and referred to an appropriate standing committee as follows:

Local Legislation, S. 450.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President and persiding officer of the Senate having signed the following bills:

S. 27. An act to make appropriations for the ordinary expenses for the executive, legislative and judicial departments of the State, for the interest on the public debt and for the public schools

S. 159. An act to amend section 1995 of the code of Alabama, 1907.

Your signature thereto is requested.

J. A. Kyle,  
Secretary.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing message from the Senate.

#### REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

The committee on Enrolled Bills have examined the following House bill:

H. 433. To detach Washington county from the thirteenth judicial circuit and to attach it to the first judicial circuit of Alabama, and to fix the times of holding the terms of the circuit court for said county.

And find same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled Bills.

RESOLUTION.

The following resolution was introduced:  
By Rules Committee:

H. R. 116. Resolved by the House that the following bills be made paramount continuing special orders for today, Friday, March 31st, in the following order.

---

H. 127, H. 233, H. 650, H. 333, H. 120, H. 65, H. 126,  
H. 160, H. 349, H. 668, H. 504, H. 401, H. 507, H. 362,  
H. 285, H. 211, H. 134, H. 384, H. 338, H. 413, H. 284.  
And the resolution was adopted.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

The committee on Engrossed Bills have examined the following House bills:

H. 404. To provide for the acquirement or establishment of highways in cities having a population of more than one hundred thousand people according to the last federal census or according to any subsequent federal census, under certain conditions and agreements and to provide for the improvement of such highways.

H. 373. To appropriate sixty-nine hundred and ten and 6-100 (\$6,910.06) dollars of the two and three per cent fund in the treasury of Alabama to the Montgomery and Chattanooga Railroad Company, a corporation duly organized and existing under the laws of the State of Alabama.

H. 249. To amend section 6318 of the code of Alabama of 1907.

And find same correctly engrossed.

A. K. Merrill,  
Chairman.

The report of the committee was concurred in.

BILL ON THIRD READING.

H. 235. (With amendment.) To prescribe and fix the minimum amount which the several municipalities in this State may annually assess and collect of persons,

firms or corporations operating railroads as common carriers for the privilege of doing intrastate business within the limits of such municipalities.

Was taken up.

The question was upon the adoption of the amendment reported by the standing committee on Commerce and Common Carriers, said amendment being as follows:

Amend section 1 by adding at the end thereof: "Provided, that the terms of this act shall not apply to street railway companies doing business in municipalities."

#### RECESS.

Pending the consideration of the bill and amendment, the hour of 5:30 P. M. having arrived, the House recessed until 8 o'clock P. M.

#### NIGHT SESSION.

The hour of 8 o'clock having arrived, the House reconvened.

#### UNFINISHED BUSINESS.

The House proceeded to the consideration of the unfinished business which was the bill, H. 235. The question was upon the adoption of the amendment reported by the standing committee on Commerce and Common Carriers.

The amendment was adopted.

Yeas, 59; nays, 4.

Yeas:

Messrs:—

Speaker	Brewer	Capps
Acker	Brown (Pike)	Chamberlain
Arnold	Brown (Tuscaloosa)	Cranford
Avery	Burton	Edmonds
Barnard	Bush	Flanagan
Bell (Autauga)	Butt	Fletcher



Fuquay	Molton	Richeson
Gewin	McCurdy	Roberson
Greene	McDonald	Rylance
Hollis (Walker)	McGowen	Stollenwerck
Hood	Nicholson	Sturdivant
Huddleston	Overton	Sullivan
Jackson	Pharr	Thomas
<del>Jenkins (Baldwin)</del>	<del>Peppan</del>	<del>Weddell</del>
Johnson (Marshall)	Pitts	Waites
Lavender	Popwell	Wheless
Letson	Preston	Wilhite
Lloyd	Pruett	Williams
Martin (Calhoun)	Quinn	Wright
Martin (Jackson)	Ramsey	

—59

## Nays:

Messrs:—

Fowlkes

Lee

Walker

James

—4

Mr. Arnold moved that the bill, H. 235, and amendment be indefinitely postponed, and the motion prevailed.

Yeas, 53; nays, 39.

## Yeas:

Messrs:—

Arnold	Horton	Martin (Calhoun)
Barnard	James	Martin (Jackson)
Bell (Autauga)	Jenkins (Bullock)	Mastin
Bell (Pickens)	Johnson (Clarke)	Mathews
Brewer	Johnson (Elmore)	Merrill
Brown (Tuscaloosa)	Jones	Merritt
Carroll	Judge	Milner
Chamberlain	Knight	Mulkey
Darden	Lane	McCurdy
Flanagan	Lavender	McDonald
Fletcher	Lawson	Nicholson
Fowlkes	Lee	O'Neill
Griffith	Letson	Overton
Helms	Lloyd	Pittman

Pruett	Sanders	Walden
Richeson	Sturdivant	Walden
Roberson	Thomas	Whatley
Rylance		

—53

## Nays:

Messrs:—

Speaker	Griffith	Preston
Acker	Hood	Quin
Boswell	Huddleston	Smith
Brown (Pike)	Jackson	Strickland
Burton	Jenkins (Baldwin)	Stollenwerck
Bush	Johnson (Marshall)	Sullivan
Butt	Kilburn	Twombly
Capps	Lurapkin	Waddell
Cranford	Molton	Waits
Dennis	McGowen	Wheeless
Edmonds	Pharr	Wilhite
Fuquay	Percy	Williams
Greene	Pitts	Wright

—39

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

S. J. R. 114. Resolved by the Senate, the House concurring, That when the Senate and House adjourn to-day they stand adjourned till Friday, March 31, at 10 o'clock.

And send same herewith to the House.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

The House concurred in and adopted the Senate joint resolution set out in the above and foregoing Senate message.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has concurred in and adopted the amendment, proposed by his excellency, the governor, to :

H. 439. To create the office of county solicitor for Butler county, provide for the election of such solicitor by the qualified electors of said county, and to prescribe his qualifications and duties and fix his compensation.

---

Yeas, 21; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has concurred in and adopted the amendment, proposed by his excellency, the governor to :

H. 523. To create a highway commission for Houston county, Alabama, and to define the powers and duties of said commission, and to provide for the appointment of the members of said commission and to aid the commission in obtaining revenue to carry out its work.

Yeas, 22; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and passed the following bills:

S. 436. To authorize the governor of Alabama to sell a strip for a railroad right of way not exceeding one hundred and twenty-five feet in width across the lands of the Eighth Agricultural school, located in Limestone

county, Alabama, belonging to the State, and to execute a conveyance therefor to the purchaser in the name of the State, attested by the secretary of State.

S. 437. To authorize the superintendent of education of Alabama, subject to the approval of the governor of Alabama, to sell a strip for a railroad right of way, not exceeding one hundred and twenty-five feet in width, across the west half of the southwest quarter of section sixteen (16), township three (3), south, range four, west, being eighty acres of land, more or less, in Limestone county, Alabama, or any portion thereof, and to require the secretary of State to issue a patent to the purchase upon the payment of the purchase money therefor, and to repeal all laws and parts of laws in conflict with this act, so far as the same apply to the sale of said lands, but no further.

S. 290. To amend sub-division 6 (six) of section 3793 of the code of Alabama.

And sends same herewith to the House without engrossment.

And has passed:

H. 422. To amend section 470 of the code of 1907.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing Senate message, were read one time and referred to appropriate standing committees as follows:

Corporations, S. 436, S. 437.

Revision of Laws, S. 290.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 456. To create and establish the juvenile court of Jefferson county, Alabama; to create and define its jurisdiction; and conferring power on said court to adjudicate on all cases of children under sixteen years of age, who are delinquent, indigent, neglected or otherwise subject to discipline, or in need of the care and protection of the State, and regulating the procedure in such cases, including the establishing and maintenance of a detention home and probation system, and the appointment of guardians for such children, and providing for the welfare of indigent children as objects of charity for the public good; to provide for the officers of said court, and define their powers and duties, and provide for their compensation.

---

And sends same to the House without engrossment and with notice and proof attached and herewith exhibited as follows:

#### NOTICE.

A bill will be introduced into the next Legislature of the State of Alabama for passage to create a juvenile court for Jefferson county, Alabama; to establish and declare the jurisdiction thereof; to create the offices of judge, probation officer and clerk of said court; to define their powers and duties and fix their salaries and provide for the same; to provide generally for the procedure of said court; to provide for appeals from the judgments of said court; to confer upon the judge of said court jurisdiction to entertain writs of habeas corpus in cases of juvenile delinquents under the age of 16 years in said county; to provide for the custody, support and protection of all delinquents and neglected children under 16 years of age, pending final determination of their cases, and to provide for the custody, control and support of said children after said cases have been finally adjudicated by said court.

Boy's Club and Children's Aid Society.

Mrs. James Weatherly, President,

Mrs. W. L. Murdoch, Secretary.

State of Alabama }  
 Jefferson County. }

Before me, the undersigned authority, personally appeared, W. H. Jeffries, who is known to me, and who being first duly sworn, deposes and says as follows: My name is W. H. Jeffries, and I am advertising manager of the Age Herald Publishing Company, which publishes the Birmingham Age Herald, and I hereby certify that the attaced notice of a bill to be introduced in to the next Legislature of the State of Alabama, for the creation of a juvenile court for Jefferson county, Alabama, signed by Boys Club and Children Aid Society, Mrs. James Weatherly, president, and Mrs. W. L. Murdoch, secretary, was published in the Age Herald, a newspaper, published in Birmingham, Alabama, in the county of Jefferson, in the said State, for four consecutive weeks, on the following dates, namely, December 25th, 1910, January 1st, 1911, January 8th, 1911, and January 17th, 1911, the same being without cost to the State.

This January 17th, 1911.

W. H. Jeffries.

Sworn to and subscribed before me this the 17th, day of January, 1911.

J. M. Bonners,  
 Notary Public.

Also:

S. 449. To repeal an act to prohibit and punish, unlawfully and knowingly permitting live stock to run at large in stock law districts or territory in which such stock are prohibited to run at large, approved August 19, 1909, so far as the same relates to Sumter county.

And sends same to the House without engrossment and with notice and proof attached and herewith exhibited as follows:

#### NOTICE

Notice is hereby given that a bill will be introduced in the next Legislature to repeal an act entitled "an

act to prohibit and punish unlawfully and knowingly permitting live stock to run at large in stock law districts or territory in which such stock are prohibited by law to run at large; to provide that all fines assessed shall be paid in money, and that one-half thereof shall be paid to the injured party to confer jurisdiction to try, convict and punish persons unlawfully and knowingly permitting live stock to run at large in stock law districts or territory where such stock are prohibited by law to run at large upon justices of the peace and notaries public exercising the powers of justices of the peace; to dispense with grand juries and to provide for prosecutions and convictions for the violations of the terms of this act under affidavit and warrant or information, and without indictment" approved August 19, 1909, so far as the same relates to Sumter county.

A. P. Scarborough.

State of Alabama, }  
Sumter County. }

Personally appeared before me, P. B. Jarman, probate judge, in and for said State and county, C. H. Allen, who is known to me, who being duly sworn deposes and says that he is the editor of the Sumter Sun, a newspaper, published in Sumter county, Alabama, and that the attached notice was prior to this date, published once a week for four consecutive weeks, beginning on the 15th day of December, 1910, and ending on the 12th day of January, 1911, in the Sumter Sun, a newspaper which was then and now published in said county of Sumter, State of Alabama.

C. H. Allen.

Sworn to and subscribed before me this the 21st day of March, 1911.

P. B. Jarman,  
Judge of Probate.

Also:

S. 444. To regulate the inspection and use of illuminants in mines in the State of Alabama and sales of illuminants for use in mines.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing Senate message, were read one time and referred to appropriate standing committees as follows:

Local Legislation, S 456.  
Revision of Laws, S 449, S. 444.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills:

S. 321. To appropriate the two and three per cent. funds in the treasury of the State to the Mobile and West Alabama Railroad Company and Alabama, Tennessee and Northern Railroad Company.

S. 400. To provide for the disposition of the property of educational corporations whose stockholders are unknown or where the amount or number of shares are unknown.

S. 405. To amend section 5970 of the code of Alabama.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing Senate message, were read one time and referred to appropriate standing committees as follows:

Appropriations, S. 321.  
Corporations, S. 400.  
Claims and Fees, S. 405.



## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills:

S. 156. To appropriate the sum of two thousand dollars upon certain conditions to the Ladies Memorial Association of Selma, Alabama, for the purpose of aiding said association to erect a memorial to the Honorables John Tyler Morgan and Edmund Winston Pettus, late United States Senators of Alabama.

S. 346. To permit the husband or wife to testify for or against each other in all criminal cases.

S. 442. To authorize certain incorporated educational institutions or societies, engaged in teaching and instructing in what is commonly known as professional or trained nursing, to issue to its graduates diplomas and certificates of proficiency, and to confer the degree of "graduate nurse."

S. 435. To provide for the construction of additional buildings for the State normal school at Florence, Alabama, and for providing for the furnishing and equipment of the same, and for repairs of existing buildings, and to appropriate funds therefor.

And sends same herewith to the House without engrossment.

Also:

S. 453. To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors or intoxicating bitters or beverages in Lawrence county, Alabama, except wine for sacramental purposes.

And sends same to the House without engrossment and with notice and proof attached and herewith exhibited as follows:

## NOTICE.

Notice is hereby given that a bill will be introduced at the present session of the Legislature of Alabama, and put upon its passage, to prohibit manufactory, sale or other disposition of spirituous, vinous or malt liq-

uors, or intoxicating bitters, or beverages, except wines for sacramental purposes, in Lawrence county, Alabama.

The State of Alabama, }  
Lawrence County. }

Before me, J. M. Irwin, a notary public, in and for said county, personally appeared Jourd White, who being by me first duly sworn, deposes and says, that he is one of the editors and proprietors of the Moulton Advertiser, a newspaper published in Moulton, Lawrence county, Alabama, and that the attached notice has been published at least once a week for four consecutive weeks in said Moulton Advertiser prior to the making of this affidavit.

Jourd White,  
Editor and Proprietor of the Moulton Advertiser.

Sworn to and subscribed before me this the 17th day of March, 1911.

J. M. Irwin,  
Notary Public for Lawrence County, Ala.  
And send same herewith to the House.

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing Senate message, were read one time and referred to appropriate standing committees as follows:

Appropriations, S. 435, S. 156.  
Revision of Laws, S. 346, S. 442.  
Temperance, S. 453.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The President and presiding officer of the Senate having signed the following Senate bill:

S. 192. An act to amend section 3720 of the code of Alabama of 1907.

Your signature thereto is requested.

J. A. Kyle,  
Secretary.

SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 179. To appropriate the sum of thirty dollars for the year 1905, and the further sum of thirty dollars for the year 1906, and the further sum of thirty dollars for the year 1907, total ninety dollars, to W. M. Walls of Cleburne county, an ex-confederate soldier, as a confederate pensioner for said years, his name having been erroneously omitted from the list of pensioners for said years.

H. 453. To amend an act entitled "An act to fix the time of holding the circuit court in the third judicial circuit of the State of Alabama," approved August 19, 1909.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated the following bills:

S. 360. Regulating the conducting of races and contests of speed at State and county agricultural, horticultural and industrial fairs.

S. 461. To provide for the settlement of the claims of persons, who bought of the trustees of the Alabama insane hospitals, lands commonly called "swamp and overflowed" lands and the title thus acquired was afterwards adjudged to be invalid.

S. 422. To authorize women to hold the position or office of clerk of the probate court, and to exercise the powers and perform the duties of clerk of the probate court in this State.

S. 242. To fix and prescribe the manner and way of satisfying, or partly satisfying, the recorded liens on real property in all counties in the State of Alabama, having over eighty thousand population according to the last federal or State census.

S. 423. To amend section eight hundred and four (804) of the code of Alabama of 1907.

S. 246. To authorize and legalize the payment of the appropriation made by section 786 of the code of Alabama for the fiscal years ending September 30, 1908, September 30, 1909, and September 30, 1910, for the Alabama sanatorium for consumption and tuberculosis.

S. 73. To regulate the time for taking further proceedings in chancery causes after the filing of answers therein.

S. 340. Providing for a topographic survey and map of Alabama.

S. 226. To appropriate ten thousand dollars for the purpose of building dormitories for the southeast Alabama agricultural school and experiment station, located in the third congressional district, in Henry county, at Abbeville, Ala.

S. 222. To provide for the establishment of libraries in the rural, town and village schools of Alabama, to make an appropriation therefor, to provide for their maintenance and for their improvement and to authorize the commissioners' court or the board of revenue of the several counties to make an appropriation for the establishment and support of said libraries and to provide rules and regulations, under which said libraries shall be established and maintained.

And sends same herewith to the House without engrossment.

Also:

S. 455. To repeal an act entitled "an act to better provide for the maintaining and keeping in repair the public roads of Escambia county," approved September 17th, 1903, and an act entitled "an act to amend sections 4 and 12 of an act to better provide for the maintaining and keeping in repair the public roads of Escambia county," approved July 31, 1907.

With notice and proof attached and herewith exhibited as follows:

PROOF OF PUBLICATION.

State of Alabama, }  
Escambia County. }

Before me, personally appeared H. C. Rankin, publisher of the Brewton Standard, a weekly newspaper published at Brewton in said county and State, who being by me duly and legally sworn, deposes and says on oath, that the following notice, to-wit: "Notice is hereby given that a bill will be introduced in the Legislature of Alabama at its present session as follows, to-wit: "A bill to be entitled an act to repeal an act to better provide for maintaining and keeping in repair the public roads of Escambia county, approved September 17th, 1903, and an act entitled an act to amend sections four and twelve of an act to better provide for the maintaining and keeping in repair the public roads of Escambia county, approved July 31, 1907.

"Section one. *Be it enacted by the Legislature of Alabama*, That the act entitled an act to better provide for the maintaining and keeping in repair the public roads of Escambia county, approved September 17, 1903, and the act entitled an act to amend section four and twelve of an act to better provide for the maintaining and keeping in repair the public roads of Escambia county, approved July 31, 1907, be and the same are hereby repealed." A copy of which notice is hereto attached and made a part of this affidavit, was published for four successive weeks in said newspaper, beginning on February 16th, 1911, and ending on March 9th, 1911.

H. C. Rankin,  
Publisher.

Sworn to and subscribed before me, this the 15th day of March, 1911.

C. C. Brooks,  
Notary Public and Ex-Officio Justice of peace.

NOTICE.

Notice is hereby given that a bill will be introduced in Legislature of Alabama at its present session as follows, to-wit:

A BILL

To be entitled "an act to repeal an act entitled 'an act to better provide for the maintaining and keeping in repair the public roads of Escambia county,' approved September 17th, 1903, and an act entitled 'an act to amend sections 4 and 12 of an act to better provide for the maintaining and keeping in repair the public roads of Escambia county, approved July 31st, 1907.'"

Section 1. *Be it enacted by the Legislature of Alabama,* That the act entitled an act to better provide for the maintaining and keeping in repair the public roads of Escambia county, approved September 17th, 1903, and the act entitled an act to amend sections 4 and 12 of an act to better provide for the maintaining and keeping in repair the public roads of Escambia county, approved July 31st, 1907, be and the same are hereby repealed.

S. 452. To amend section 12 of an act entitled an act to establish a county court for the county of Clay, approved December 13, 1898, as amended March 2, 1901, and August 6, 1907.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given of the intention to apply to the present session of the Legislature of Alabama for

the passage of a bill the substance of which is to amend section 12 of the act establishing the county court of Clay approved Dec. 13, 1898, as amended March 2, 1901, and August 6, 1907, by striking from said amended section all the words following the expression "trial by jury," where it occurs in said section.

February 10, 1911.

State of Alabama, }  
Clay County. }

On this 18th day of March 1911, before me, F. J. Ingram, judge of probate of said county and State, personally appeared B. W. Sims, who being by me duly sworn, deposes and says that he is editor of The Ashland Progress, a weekly newspaper, published each week in Ashland, Clay county, Alabama, and he further deposes and says that the attached notice was published in said newspaper in Ashland, Clay county, Alabama, for four consecutive weeks, (without cost to the State) to-wit: On the following dates, February 10, 1911, February 17, 1911, February 24, 1911, March 3, 1911.

B. W. Sims.

Sworn to and subscribed before me this 18th day of March, 1911.

F. J. Ingram,  
Judge of Probate.

S. 426. To fix the times and places for assessing and collecting the taxes in Crenshaw county, Alabama, and to repeal conflicting laws.

With notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama at its present session to enact a law to regulate and fix the times and places for assessing and collecting the taxes of Crenshaw

county, requiring the tax assessor and collector to visit Brantley, Dozier, Searight, Glenwood, Patsburg, Petrey, Bradleyton, Lapine and to remain in their offices at Luverne and to repeal conflicting laws so far as they relate to Crenshaw county.

I, Charles L. Kettler, publisher of the Crenshaw County News, a newspaper published weekly at Luverne, Crenshaw county, Alabama, do solemnly swear that a copy of the above notice, as per clipping attached, was published once a week in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated January 26, 1911, and ending with the issue dated February 16, 1911.

Charles L. Kettler.

Subscribed and sworn to before me this 14th day of March, 1911.

W. B. Ruff,  
Notary Public.

And orders same sent to the House without engrossment.

And has also originated and passed:

S. 431. To regulate the fees of the sheriffs for feeding prisoners in jail under charge or conviction of any indictable offense and to provide the payment therefor.

S. 281. To authorize a defendant charged with vagrancy, or with playing at a game with dice, commonly known as "craps," to demand an indictment by a grand jury, and to repeal all laws and parts of laws in conflict with the provisions of this act.

S. 288. To amend section 1233 of the code of Alabama of 1907.

And sends same to the House without engrossment.

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing Senate message, were read one time



and referred to appropriate standing committees as follows:

Revision of Laws, S. 360, S. 461, S. 422, S. 242, S. 423, S. 246, S. 73, S. 281, S. 288.

Appropriations, S. 340, S. 226, S. 222.

Public Roads and Highways, S. 455.

Local Legislation, S. 452, S. 426.

Claims and Fees, S. 431.

#### MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has concurred in and adopted the report of Conference committee on the disagreement of the two houses on the Senate amendment to:

H. 691. To further provide for the revenue of the State of Alabama.

J. A. Kyle,  
Secretary.

#### REPORT OF CONFERENCE COMMITTEE.

The Conference committee on the disagreement of the two houses, to Senate amendments to H. 691, made the following report:

#### REPORT OF CONFERENCE COMMITTEE ON REVENUE BILL.

The joint committee appointed by the Senate and House respectively to consider the revenue bill and the amendments made to it by the Senate and non-concurred in by the House, beg leave to report as follows:

That we recommend that the Senate and House strike out sections 36(c), 36 (d) and 36 (e) and insert in lieu thereof the following:

36 (c). In addition to the duties, powers and authority now held and exercised by the State tax commission, it shall assist the State board of assessment in the performance of its duties whenever requested to do so by the governor. The said State tax commission shall assist the governor, attorney general and State

auditor whenever requested to do so by the governor in the compromise of claims in favor of the State and in the preparation of a general revenue bill to submit to each Legislature on its assembling.

36 (d). It shall be the duty of said commission to equalize taxes and the values of the property of the various counties with each other in proportion to the value of the property in one county to the value of similar property in another county, and to equalize taxes and values of property of persons, firms and corporations in a county with each other in a similar way and to carry out this purpose said commission may visit either in person, through one or more of its members or through assistants designated for that purpose, each of the several counties in the State each year for the purpose of investigating the assessments therein and to the end that the same may be so increased or reduced as to bring about as nearly as may be equality and uniformity in the basis of assessments throughout the State and for that purpose, it shall be their duty to institute proceedings or to take steps as now provided by law to cause to be reduced or increased any assessment, in whole or in part, upon any property of any character and the said State tax commission is empowered to employ a sufficient number of assistants subject to the approval of the governor to be selected because of their familiarity with the property and taxable values, as may be necessary to perform the duties which may be required of them by the State tax commission.

36 (e). The compensation of such assistants shall be fixed by the said State tax commission with the approval of the governor; provided that no assistant so employed shall receive more than eighteen hundred dollars per annum exclusive of expenses and provided that the total expense of such assistants, as of all other expenses in the support and maintenance of said State tax commission, shall be paid out of the general appropriation for the support and maintenance of said commission, provided that said assistants may be discharged at will by the State tax commission, subject to the

approval of the governor. The assistants of the said State tax commission designated for that purpose by said commission shall have all power and authority in the matter of and in connection with increasing or reducing assessments heretofore conferred upon and possessed by the county tax commissioners, and the county tax commissioners of this State shall hereafter have and ~~exercise no powers or duties in connection with~~ increases or reductions in the assessments of property and receive no fees therefor, and shall have and exercise no powers or duties in connection with the assessment of property, except such powers and duties as are by law given to said county tax commissioners in connection with escapes and licenses, or assessments of property which has escaped assessment and payment of taxes, and persons, firms and corporations which have not paid or have escaped payment of licenses required by law. This shall not affect the county tax commissioners' duties or fees in connection with delinquent licenses or, property which has escaped assessment and payment of taxes.

Section 36 (f). The tax assessors of the various counties of the State are hereby also charged with the duty of raising past assessments of property made by them or their predecessors in office for the previous year when in their judgment, from information received, an increase in such assessment should be justly made to bring the assessment of such property to a parity with the basis or average of assessments at the time prevailing in the county and throughout the State, and shall report such additional assessments to the courts of county commissioners, boards of revenue or similar bodies sitting in the county at the same time in the same manner with the same legal effect, and shall thereafter perform the same services with the same legal effect, and the same proceedings shall be had before and by said court of county commissioners, board of revenue or other like body relative to said raises as would have been had prior to the passage of this law in connection with similar raises made by county tax commissioners.

For their services before these courts or boards in the matter of raises, the tax assessors of the various counties of the State shall receive the following compensation, to-wit:

In counties whose population does not exceed ten thousand, one hundred dollars per annum;

In counties whose populations exceeds ten thousand and does not exceed twenty thousand, one hundred and fifty dollars per annum.

In counties whose population exceeds twenty thousand and does not exceed thirty thousand, two hundred dollars per annum;

In counties whose population exceeds thirty thousand and does not exceed forty thousand, two hundred and fifty dollars per annum;

In counties whose population exceeds forty thousand and does not exceed fifty thousand, three hundred dollars per annum;

In counties whose population exceeds fifty thousand and does not exceed sixty thousand, three hundred and fifty dollars per annum;

In counties whose population exceeds sixty thousand and does not exceed seventy thousand, four hundred dollars per annum;

In counties whose population exceeds seventy thousands and does not exceed eighty thousand, four hundred and fifty dollars per annum;

In counties whose population exceeds eighty thousand, five hundred dollars per annum;

Said sums to be paid out of the general funds of the several counties of the State; provided, however, that no tax assessor shall receive a greater amount during any year than five per cent of the general and special county taxes on the total increased valuation of the county excluding assessments made by the State board of assessment, and assessments of intangible property, over the preceding year, to be ascertained by taking the total assessment of the preceding year after the books of assessment have been corrected in accordance with the decision of the State tax commission or their agents and deducting said valuation from the recapitulations

of the current year made by the tax assessor before delivering their books of assessment to the courts of county commissioners, or other courts of like jurisdiction, as provided by law.

36 (g). When any assessment has been made or valuation fixed by the State tax commission or by its assistants, or by the judgment of any court of record, the property so assessed, shall not be assessed at any greater or less valuation or for any greater or less amount for the next succeeding year, unless there shall be a change in the condition of improvements on said property in which event the assessment may be increased or reduced to the extent only of the increase or reduction of the values of the improvements.

36 (h). The salary of the secretary of the State tax commission is hereby fixed at not more than twenty-four hundred dollars per annum which said salary shall be paid in the same manner as salaries of State officials are paid.

36 (i). That the entire appropriation for the expenses of said State tax commission, together with every item of expense allowed therefor, shall not exceed in any one year, the total sum of forty thousand dollars, which sum or as much thereof as may be necessary, is hereby appropriated annually to be paid out by and with the approval of the governor.

We further recommend that the Senate recede from its amendment adding between sections 36 and 37, the following: "Section 36 A. That the taxable property within this State shall be assessed for the purpose of taxation at 60 per cent of its fair and reasonable cash value" and insert in lieu thereof the following.

36 "A." From any final assessment of tangible or intangible property for taxes fixed by any officer, board or tribunal charged with the duty of assessing tangible or intangible property for taxes, or with the duty of revising or reviewing assessments of property for taxes, the owner, in case the property lies entirely within one county, may appeal to the circuit court, or any court of like jurisdiction, of the county in which the property lies, and, in case the property lies in more

than one county, the owner may appeal to the circuit court, or any other court of like jurisdiction, of any county in which any part of the property lies. All such appeals may be taken within thirty days after the date of the assessment, or after the date of the final decision of the officer, board or tribunal, in case the assessment is revised or reviewed by any officer, board, or tribunal charged with the duty of making such revision or review, within thirty days after the decision of such officer, board, or tribunal, upon the owner giving bond, with sureties to be approved by the judge or clerk of the court to which the appeal is taken, and payable to the State of Alabama, in double the amount of State and county taxes lawfully due on such assessment or valuation as fixed by said assessment, or by the decision of the officer, board, or tribunal by whom such assessment has been revised or reviewed, conditioned to prosecute said appeal to effect and to pay all lawful taxes which may be held by the court to be or become due on said property according to such valuation as may be determined by the court.

The trial upon such appeal shall be *de novo*, and the court shall render judgment against appellant for such taxes as may be or become lawfully due on said property, and on the hearing of said appeal the owner may introduce any legal evidence bearing upon the reasonable value of the property assessed, including, in cases where intangible values are assessed, the aggregate value of both the tangible and intangible assets, or bearing upon any inequalities in the assessment of said property with the assessed values of other properties in the State, and may also introduce evidence of the real value of any taxable property in this State, and the assessed value thereof as compared with such real value. In determining the amount at which such property should be assessed, the jury shall take into consideration all evidence in the case, and assess the property of such owner, both tangible and intangible, at the same proportion of the real value as the assessed value of other property in this State bears to the real value thereof, as shown by consideration of the entire evi-

dence; to the end that all property assessed in this State shall be assessed at the same proportion of its real value, whether the same is assessed by any State board, or officer, or by the several tax assessors, or courts of county commissioners, or other courts of like jurisdiction.

All such appeals shall be preferred cases and shall be set for trial at the first succeeding term of the court after said appeal is taken, unless the court shall be in session at the time the appeal is taken, in which event, the case shall be set for trial during the term then in session; provided, however, that no such appeal shall suspend the right of the State to collect from the appellant taxes upon his property at the valuation fixed for assessment for the preceding tax year, and the appellant shall, when taxes are due, pay all taxes due at the assessed valuation for such preceding year. If the judgment of the court shall be rendered after the appellant shall have paid taxes based upon the assessed valuation for such preceding year, the court shall ascertain and determine the amount of taxes so paid and render judgment only for the difference due upon the assessed valuation for such preceding year and the valuation as fixed by the court. From the judgment of the trial court either party may appeal to the supreme court within thirty days from the rendition of the judgment.

We further recommend that the Senate recede from its amendment striking out the words "franchise tax of fifty cents per thousand dollars of its paid up capital stock" and insert in lieu thereof the following words: "corporations whose capital stock does not exceed fifty thousand dollars, one dollar per thousand dollars of its capital stock up to and including fifty thousand dollars."

We further recommend that the Senate recede from its amendment designated as section 5 1-2.

We further recommend that the Senate recede from its amendment added at the end of section 12, which is in the following words: "provided, however, that the amount of franchise taxes paid by public utility cor-

porations under the provisions of this section, shall be allowed as a credit against their franchise or intangible property tax."

We further recommend that the Senate recede from its amendment inserting the word "ten" in line four of section 33 1-2 in place of the words "for the State only of five."

We further recommend that the House adopt the other amendments passed by the Senate.

A. R. Brindley,  
Walker Percy,  
Fleetwood Rice,  
Committee on the part of the House.  
T. S. Plowman,  
Robt. E. Spragins,  
A. M. Tunstall,  
Committee on the part of the Senate.

On motion of Mr. Arnold, the House non-concurred and rejected the report of the Conference committee.

Yeas, 57; nays, 43.

#### Yeas:

Messrs:—

Arnold	Johnson (Elmore)	Parks
Avery	Johnson (Marshall)	Pharr
Barnard	Jones	Pittman
Brewer	Knight	Pitts
Boswell	Lane	Popwell
Brown (Pike)	Lavender	Pruett
Butt	Lee	Quinn
Carroll	Lloyd	Roberson
Chamberlain	Martin (Calhoun)	Sanders
Darden	Martin (Jackson)	Strickland
Dennis	Mastin	Sturdivant
Eastis	Mathews	Sullivan
Edmonds	Milner	Thomas
Flanagan	McCurdy	Twombly
Griffith	McDonald	Waddell
Horton	McLendon	Waits
Huddleston	Nicholson	Walker
Jenkins (Baldwin)	O'Neill	Wilhite
Jenkins (Bullock)	Overton	Wright



## Nays:

Messrs:—

Speaker	Helms	McGowen
Acker	Hood	Page
Bell (Autauga)	Jackson	Pegram
Bell (Pickens)	James	Percy
Brindley	Johnson (Clarke)	Ramsey
Brown (Tuscaloosa)	Judge	Rice
Burton	Kilburn	Roberson
Bush	Lawson	Rylance
Capps	Letson	Smith
Cranford	Lumpkin	Stollenwerck
Fletcher	Merrill	Walden
Fowlkes	Merritt	Whatley
Fuquay	Molton	Wheeless
Gewin	Mulkey	Williams
Greene		

—43

## RESOLUTION.

The following resolution was introduced.

By Mr. Pitts:

H. R. 116. Resolved that the House request a further conference on the amendments offered by the Senate to House bill 691 and that the House remain in session until a committee of five on the part of each house is raised and the House is notified by the Senate.

On motion of Mr. Pitts, the rules were suspended, and the resolution was adopted.

The Speaker appointed as a Conference committee on part of the House, Messrs. Brindley, Pitts, Percy, Arnold and Rice.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate accedes to the request of the House for a further committee of Conference on the disagreement

of the two Houses on the Senate amendments to H. 691.

Committee on part of the Senate: Messrs. Spragins, Tunstall, Plowman, Merrill and Sherrod.

And returns resolution herewith to the House.

J. A. Kyle,  
Secretary.

#### ADJOURNMENT.

On motion of Mr. Pitts, the House adjourned until Friday, March 31st, 1911, at 10 o'clock A. M.

#### FORTY-FIFTH DAY.

House of Representatives.

Friday, March 31st, 1911.

The House met pursuant to adjournment.

#### PRAYER.

The session was opened with prayer by the Rev. Mr. Sturdivant of the House.

#### ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs:—

Speaker	Brindley	Carroll
Acker	Boswell	Chamberlain
Arnold	Brown (Pike)	Cranford
Avery	Brown (Tuscaloosa)	Darden
Barnard	Burton	Dennis
Bell (Autauga)	Bush	Doswell
Bell (Pickens)	Butt	Eastis
Brewer	Capps	Edmonds

Flanagan	Lawson	Pitts
Fletcher	Lee	Popwell
Fowlkes	Letson	Preston
Fuquay	Lloyd	Pruett
Gewin	Lumpkin	Quinn
Greene	Martin (Calhoun)	Ramsey
Griffith	Martin (Jackson)	Rice
Helms	Martin	Richeson
Hollis (Choctaw)	Mathews	Roberson
Hollis (Walker)	Merrill	Rylance
Hood	Merritt	Sanders
Horton	Milner	Smith
Huddleston	Molton	Strickland
Jackson	Mulkey	Stollenwerck
James	McCurdy	Sturdivant
Jenkins (Baldwin)	McDonald	Sullivan
Jenkins (Bullock)	McGowen	Thomas
Johnson (Clarke)	McLendon	Twombly
Johnson (Elmore)	Nicholson	Waddell
Johnson (Marshall)	O'Neill	Waites
Jones	Overton	Walden
Judge	Page	Walker
Kilburn	Parks	Whatley
Knight	Pharr	Wheless
Lane	Pegram	Wilhite
Lavender	Percy	Williams
Lawler	Pittman	Wright

A quorum was present.

#### JOURNAL.

The chairman of the standing committee on the Revision of the Journal made the following report:

Mr. Speaker:

Your committee on the Revision of the Journal beg leave to report as follows:

We have examined the Journal for the 44th day, and find the same to be correct.

J. B. Rylance,  
Chairman.

The report of the committee was concurred in, and the journal for the 44th day was approved.

BILLS ON SECOND READING.

Mr. Mulkey, chairman of the standing committee on Revision of Laws, reported that said committee in session has acted on the following bills and ordered same returned to the House with a favorable report:

S. 346. To permit the husband or wife to testify for each other in all criminal cases.

H. 748. To amend section 5780 of the code of 1907 of Alabama.

S. 449. To repeal an act to prohibit and punish, unlawfully and knowingly permitting live stock to run at large in stock law districts or territory in which such stock are prohibited to run at large, approved August 19th, 1909, so far as the same relates to Sumter county.

S. 360. Regulating the conducting of races and contests of speed at State and county agricultural, horticultural and industrial fairs.

S. 246. To authorize and legalize the payment of the appropriation made by section 786 of the code of Alabama for the fiscal years ending September 30, 1908, September 30, 1909, and September 30, 1910, for the Alabama sanatorium for consumption and tuberculosis.

S. 444. To regulate the inspection and use of illuminants in mines in the State of Alabama and sales of illuminants for the use in mines.

S. 290. To amend subdivision 6 (six) of section 3793 of the code of Alabama.

S. 442. To authorize certain incorporated educational institutions or societies, engaged in teaching and instructing in what is commonly known as professional or trained nursing, to issue to its graduates the diplomas and certificates of proficiency, and to confer the degree of "graduate nurse."

H. 657. To fix the time of holding the Walker county law and equity court in Walker county, Alabama.

H. 772. To amend section 5222 of the code of Alabama.

H. 686. To amend section 1216 of the code of Alabama of 1907.

H. 655. To amend section 130 of the political code of Alabama.

H. 500. To amend section 5162 of the code of Alabama.

H. 683. To amend section 2199 of the code of Alabama of 1907.

H. 807. To amend section 2169 of the code of Alabama.

H. 487. To amend section 3231 of the code of Alabama of 1907, as to fixing the time and place of holding courts in the first judicial circuit; section 3231, first circuit; time and places of holding court.

H. 476. To amend section 2103 of the code of Alabama of 1907.

S. 422. To authorize women to hold the position or office of clerk of the probate court, and to exercise the powers and perform the duties of clerk of the probate court in this State.

H. 682. To amend section 7607 of the code of Alabama.

H. 656. To fix the time of holding the circuit courts in the counties of Walker and Winston, composing the fourteenth judicial circuit of the State of Alabama.

H. 434. To fix and regulate the fees of the deputy solicitor of Chambers county, Alabama.

H. 810. To amend section 1218 of the code of 1907.

S. 72. To authorize the institution of suits at law upon claims held to have been erroneously prosecuted in chancery.

S. 411. To establish a board of revenue for each county of the State whose population, according to the last preceding federal census, has reached or may hereafter reach, two hundred thousand or more; and to fix the salaries of said board: and to abolish the court of county commissioners of all such counties.

S. 421. To amend section 9 of an act approved March 9, 1911, entitled an act to establish a court of appeals for the State of Alabama, and to provide for the trans-

fer of certain causes now pending in the supreme court, to said court of appeals.

S. 168. To authorize the recovery of matured un-gathered crops in an action of detinue and to define the title on which said recovery may be had.

S. 217. To amend section 4093 of the code of Alabama.

Mr. Mulkey, chairman of the standing committee on Revision of Laws, reported that said committee in session has acted on the following bill and ordered same returned to the House with a favorable report with amendment.

H. 486. (With amendment.) To amend section 3299 of the code of 1907.

Mr. Milner, chairman of the standing committee on Local Legislation, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

S. 458. To authorize the Court of Revenue of Lawrence County, Alabama, to borrow not exceeding twelve thousand dollars to be used in constructing and equipping a jail for said county and to issue interest bearing county warrants for the same—to run one, two and three years, and to be borrowed from the party offering to make the loan at the lowest rate of interest.

S. 450. To extend the term of the senior judge of the criminal court of Jefferson county, Alabama, four years beyond the term now fixed by law, so as to make the present term terminate in November, 1916; and to repeal such parts of section 2 of an act to establish the criminal court of Jefferson county, approved December 8, 1884, as amended by an act approved December 7, 1900, as are in conflict with the provisions of this act.

S. 406. To amend section 6207 of the 1907 code of Alabama.

S. 454. To establish an inferior court in precincts 21 and 37 lying within or partly within the city of Birmingham, Alabama, in lieu of all justices of peace

in said precincts, and in lieu of all other inferior courts in lieu of justices of peace, heretofore created in said territory, and to define the jurisdiction and power of said court, and judges, clerks and other officers thereof, to provide separate divisions, and provide for places of holding the same.

S. 456. To create and establish the Juvenile Court of Jefferson County, Alabama; to create and define its jurisdiction; and conferring power on said court to adjudicate on all cases of children under sixteen (16) years of age, who are delinquent, indigent, neglected or otherwise subject to discipline, or in need of the care and protection of the State, and regulating the procedure in such cases, including the establishment and maintenance of detention home and probation system, and the appointment of guardians for such children, and providing for the welfare of indigent children as objects of charity, for the public good; to provide for the officers of said court, and define their powers and duties, and provide for their compensation.

H. 813. To fix the times and places of holding the regular terms of the court of county commissioners of Russell county.

H. 806. To place the name of M. C. Keady, widow of the late W. G. Keady, who was a confederate soldier upon the pension rolls of the State of Alabama.

H. 816. To require the judge of probate of Russell county, in addition to the office in the court house at Seale, to keep open a branch office in the city of Girard for the transaction of business, and to declare the effect of the business transacted in such branch office, and to fix his pay for making the indexes mentioned in section three, and the abstract mentioned in section four of this act.

H. 799. To require the board of revenue or court of county commissioners of Autauga county to publish reports of its proceedings quarterly in some newspaper published in said county.

H. 812. To fix the time and places of holding the county court of Russell county.

H. 815. To establish an additional circuit court in the county of Russell at Girard.

H. 805. To provide when the members of the court of county commissioners of Crenshaw county shall be elected, and prescribe their terms of office.

H. 809. To repeal section 9 of an act to establish the Walker county law and equity court, approved December 5th, 1900, as amended by section 2 of an act approved Feb. 15th, 1901, to amend sections 8, 9 and 26 of an act entitled an act to establish the Walker county law and equity court, approved December 5th, 1900.

H. 814. To require the board of jury commissioners of Russell county to prepare two boxes of names of jurors in accordance with section 7240 of the code of Alabama, one to be used in drawing the juries for the circuit court of Russell county, at Seale, and the other to be used in drawing the juries for the circuit court of said county at Girard.

H. 817. To establish in the county of Pickens a court of record of limited jurisdiction to be known and styled as the inferior court of Pickens county and to define the jurisdictions and powers of said court and the judge thereof.

S. 375. To provide for the more efficient working of the public roads and construction and repair of bridges in Fayette county; to create a highway commission in said county and define its powers and duties to provide for a road supervisor, fix his compensation and define his duties and to authorize the employment of a highway engineer; to provide for revenue for road and bridge purposes in said county; to provide for the appointment of road foremen in the several precincts in the county, fix their compensation and define their duties and powers; to authorize the purchase of necessary tools, teams, road machines and other implements; to provide for a commutation fee in lieu of working the roads; to prevent the obstruction and damage to the public roads and bridges and to prescribe rules, regulations and penalties in order to carry into effect the purposes of this act.



Mr. Thomas, chairman of the standing committee on Appropriations, reported that said committee in session has acted on the following bills and ordered same returned to the House with a favorable report:

S. 156. To appropriate the sum of two thousand dollars upon certain conditions to the Ladies Memorial Association of Selma, Alabama for the purpose of aiding said association to erect a memorial to the Honorable John Tyler Morgan and Edmund Winston Pettus, late United States Senators of Alabama.

H. 804. To provide for better equipment of the normal school at Daphne, Alabama, Baldwin county, and to make an appropriation therefor.

H. 811. To reimburse George E. Gordon, former county superintendent of education for Lowndes county for the over payment of money by him as such superintendent.

H. 819. To make further appropriation to pay the per diem and mileage of the members, officers and employees of the Legislature of Alabama and other expenses thereof for the present session.

S. 226. To appropriate ten thousand dollars for the purpose of building dormitories for the southeast Alabama agricultural school and experiment station, located in the third congressional district, in Henry county, at Abbeville, Alabama.

S. 435. To provide for the construction of additional buildings for the State normal college at Florence, Alabama, and to appropriate funds therefor.

Mr. Thomas, chairman of the standing committee on Appropriations, reported that said committee in session has acted on the following bill and ordered same returned to the House with a favorable report with amendment:

S. 321. (With amendment.) To appropriate two and three per cent funds now in the treasury of the State of Alabama to the Mobile and West Alabama Railroad Company, and to the Alabama, Tennessee and Northern Railroad Company.

Mr. Thomas, chairman of the standing committee on Appropriations, reported that said committee in session has acted on the following bills and ordered same returned to the House with a favorable report:

S. 206. To create and establish a school of industry and technology for boys and young men in teaching and training them in useful and industrial pursuits and in the arts and sciences; to provide skilled labor in this State and to enable the students of such school to acquire such education and training by means of employing a part or portion of their time and labor while in school to pay all or part of their board, lodging and tuition, and to incorporate such institution under the name of the "industrial and technological institute of Alabama" with perpetual succession to have a corporate seal, and to sue and be sued in the courts of this State of competent jurisdiction as in the cases of natural persons; to create a board of control composed of five persons, which may be increased by such board to not exceeding nine persons, with right to acquire by purchase, devise, bequest or otherwise any real or personal property, or both, for the benefit of such school, and with the authority to dispose of the same or any part thereof, and to authorize an appropriation by the State to aid in the erecting of suitable school buildings and equipment, and with power to give and grant to students certificates of proficiency in their studies and diplomas.

S. 222. To provide for the establishment of libraries in the rural, town and village schools of Alabama, to make an appropriation therefor, to provide for their maintenance and for their improvement, to authorize the commissioners court or the board of revenue of the several counties to make an appropriation for the establishment and support of said libraries, and to provide rules and regulations under which said libraries shall be established and maintained.

Mr. Waddell, chairman of the standing committee on Game, Fish and Forestry Preservation, reported that said committee in session has acted on the following

bills and ordered same returned to the House with a favorable report:

S. 376. To confer upon justices of the peace of jurisdiction of all offenses arising under the game and fish laws of Alabama.

S. 377. For the better enforcement of the game and fish laws of this State, to provide for the appointment of deputy game wardens in the several counties of this State, and to provide for their compensation.

Mr. Percy, chairman of the standing committee on Municipal Organization, reported that said committee in session has acted on the following bills and ordered same returned to the House with a favorable report:

H. 49. To require tailors and tailoring companies doing business in the State of Alabama to pay a license tax to the municipality where it is located and upon the payment of said license tax, to exempt the same from the payment of a license tax to any other municipality in the State and to repeal conflicting laws.

Mr. Whatley, chairman of the standing committee on Agriculture, reported that said committee in session has acted on the following bill and ordered same returned to the House with a favorable report:

S. 92. To regulate and define what is known as the filler used in commercial fertilizers sold and manufactured in Alabama, giving the name of substance in pounds on each bag or package and provide penalty for the violation of the same.

Mr. Pittman, chairman of the standing committee on Claims and Fees, reported that said committee in session has acted on the following bills and ordered same returned to the House with a favorable report:

H. 793. To authorize the commissioner of agriculture and industries to deliver to the Read Phosphate Company of Nashville, Tenn., fifteen thousand five hundred (15,500) fertilizer tags to replace the same number that have been burned.

H. 759. To regulate the fees of the sheriffs for feeding prisoners in jail under charge or conviction of any indictable offense and to provide the payment therefor.

H. 758. To provide a stenographer for the supreme court reporter; to fix the salary of the same and make appropriation to pay such salary.

Mr. Bush, chairman of the standing committee on Privileges and Elections, reported that said committee in session has acted on the following bill and ordered same returned to the House with a favorable report:

H. 784. An act to authorize the city of Mobile to convey by deed certain lands to the United States of America.

Mr. Smith, chairman of the standing committee on Temperance, reported that said committee in session has acted on the following bill and ordered same returned to the House with a favorable report:

H. 765. To prohibit the manufacture, sale, offering for sale, keeping or having in possession for sale, barter, exchange, giving away, furnishing at public place or elsewhere, or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters, or intoxicating beverages, hop ale, hop jack, malt tonic or any other beverage which is the product of maltose or glucose, or any other drinks or beverages containing one half of one per cent of alcohol, in Clay county, Alabama.

Mr. Pittman, chairman of the standing committee on Claims and Fees, reported that said committee in session has acted on the following bill and ordered same returned to the House with a favorable report:

S. 405. To amend section 5970 of the code of Alabama.

Mr. Horton, acting chairman of the standing committee on Judiciary, reported that said committee in session has acted on the following bills and ordered same returned to the House with a favorable report:

S. 431. To regulate the fees of the sheriffs for feeding prisoners in jail under charge or conviction of any indictable offense, and to provide the payment therefor.

H. 773. To repeal the act creating the city court of Andalusia, for Covington county, Alabama, passed during the 1907 session of the Legislature of Alabama, entitled "An act to create, establish and maintain an inferior court of record in and for the county of Covington; to define and provide for the powers, jurisdiction ~~and procedure thereof and to provide for officers there~~ of and their compensation," and to abolish said court; to provide for the disposition of the pending and adjudicated causes of all kinds in said court and the process, appeals, costs, bonds, securities and records and files of the same; to regulate the bringing, filing transferring and appealing of causes and prosecution in said court; and to fix the time that this act shall become effective.

H. 774. To create and establish the Andalusia city court of law and equity for Covington county.

Mr. Rice, chairman of the standing committee on Corporations, reported that said committee in session has acted on the following bills and ordered same returned to the House with a favorable report.

S. 437. To authorize the superintendent of education of Alabama, subject to the approval of the governor of Alabama, to sell a strip for a railroad right of way, not exceeding one hundred and twenty-five feet in width, across the west half of the southwest quarter of section sixteen (16), township three (3) south, range four (4) west, being eighty acres of land, more or less, in Limestone county, Alabama, or any portion thereof, and to require the secretary of State to issue a patent to the purchaser upon the payment of the purchase money therefor, and to repeal all laws and parts of laws in conflict with this act, so far as the same apply to the sale of said lands, but no further.

S. 436. To authorize the governor of Alabama to sell a strip for a railroad right of way not exceeding one hundred and twenty-five feet in width across the lands of the eighth district agricultural school, located in Limestone county, Alabama, belonging to the State, and to execute a conveyance therefor to the purchaser in the name of the State, attested by the secretary of State.

S. 400. To provide for the disposition of the property of educational corporations whose stockholders are unknown or where the amount or number of shares are unknown.

Mr. Darden, chairman of the standing committee on Public Roads and Highways, reported that said committee in session has acted on the following bills and ordered same returned to the House with a favorable report:

H. 801. To provide a better system of public roads for DeKalb county.

S. 455. To repeal an act entitled "An act to better provide for the maintaining and ~~keeping~~ in repair the public roads of Escambia county," approved September 17th, 1903, and an act entitled "An act to amend sections 4 and 12 of an act to better provide for the maintaining and keeping in repair the public roads of Escambia county," approved July 31st, 1907.

The above and foregoing bills were severally read a second time, and placed on the calendar.

#### BILLS REPORTED ADVERSELY.

Mr. Mulkey, chairman of the standing committee on Revision of Laws, reported that said committee in session has acted on the following bills and ordered same returned to the House with an adverse report:

H. 690. To amend section 4032 of the code of Alabama.

S. 73. To regulate the time of taking further proceedings in chancery causes after the filing of answers therein.

H. 636. To provide for the more efficient assessment, equalization and collection of taxes and licenses in the State of Alabama, and to abolish the office of county tax commissioner.

H. 687. To amend section 7827 of the code of Alabama of 1907.

H. 356. To amend section 3257 of the code of 1907.

H. 494. To establish a system for the examination, licensing and appointment of county surveyors in the several counties of the State of Alabama.

H. 513. To amend section 735 of the code of Alabama.

H. 761. To amend section 770 of the code of Alabama of 1907.

H. 794. To amend section 1996 of the code of Alabama.

H. 664. To amend an act entitled an act to establish the criminal court of Jefferson county, approved December 7th, 1900.

S. 98. To amend section 6638 of the code of Alabama of 1907.

S. 288. To amend section 1233 of the code of Alabama of 1907.

S. 461. To provide for the settlement of the claims of persons, who bought of the trustees of the Alabama insane hospitals lands commonly called "swamp and overflowed" lands and the title thus acquired was afterwards adjudged to be invalid.

H. 475. To amend section 2169 of the code of Alabama of 1907, so as to read as follows:

H. 796. To authorize a defendant in suits brought by an administrator or an executor to plead any debt or demand due such defendant by the decedent, without filing the same in the office of the judge of probate or with the executor or administrator.

H. 671. For the relief of Geo. C. Goodrich and J. S. Crinkley, contractors, having built under contract with the county commissioners of Morgan county, certain sections of public roads in Morgan county lying within the corporate boundaries of New Decatur, Alabama.

H. 478. To amend an act amending section 5885 of the code of Alabama.

H. 597. To require counties which have heretofore established stock law within such counties to establish and keep in repair a fence on the line of such counties and any adjoining county which has not established stock law.

H. 392. To amend sections 2340, 2341, 2343, and 2344 of the code of Alabama.

H. 599. To regulate the cost and expense which may be incurred by candidates for nomination to any State or county office, and to provide a penalty for the violation of this act.

H. 598. To further regulate the practice and procedure in the trial of civil causes in the courts of Alabama.

H. 651. To amend section 4209 of the code of Alabama of 1907.

H. 423. To repeal section 471 of the code of 1907.

H. 818. To amend subdivision seven of section 1467 of the code of Alabama.

H. 802. To provide for the settlement of the claims of persons who bought of the trustees of the Alabama insane hospitals lands commonly called "swamp or overflowed" lands, and the title thus acquired was afterwards adjudged to be invalid.

H. 795. To create the western chancery division of the State of Alabama, to provide for the appointment and election of a chancellor therefor, fix his salary, and fix the times and places of holding chancery courts therein.

S. 281. To authorize a defendant charged with vagrancy, or with playing at a game with dice, commonly known as "craps," to demand an indictment by a grand jury and to repeal all laws and parts of laws in conflict with the provisions of this act.

H. 277. To amend section 7678 of the code of Alabama.

H. 737. To repeal sections 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, and 688 of the code of Alabama (1907).

H. 692. To amend an act entitled "An act to amend sections seven and eleven of an act to establish a board of revenue for Jefferson county and for the abolishment of the court of county commissioners of Jefferson county, approved February 18th, 1909.



H. 188. To further regulate the making of arrest in misdemeanor cases.

H. 102. To amend section 7162 of the code of Alabama.

H. 499. To amend section 835 of the code of Alabama.

H. 542. To abolish the office of county tax commissioner.

H. 721. To create a board to be known as the State board of revenue, to prescribe its powers, duties and authority, to fix the compensation of its members, to name its members for the first term of the existence of such board, to provide for the appointment of persons to fill vacancies on such board, and for the appointment of members to said board to succeed those herein named, and to make appropriation for the expenses of such board.

H. 779. To amend section 2519 of the code of Alabama.

H. 525. To repeal sections 113, 114, 115, 116, 117, 118, 119, and 120 of the code of Alabama.

H. 529. To amend section 3385 of the code of Alabama of 1907.

H. 395. To repeal sections 6450, 6451, 6452, 6453, 6454, 6455, 6456, 6457, 6458, 6459, 6460, 6461, 6462, 6463, 6464, and 6465 of the code of 1907, and the act approved August 25th, 1909, entitled an act to amend sections 6450, 6456, 6453, and 6465 of the code of Alabama.

Mr. Waddell, chairman of the standing committee on Game, Fish and Forestry Preservation, reported that said committee in session has acted on the following bills and ordered same returned to the House with an adverse report:

H. 460. To amend section 6964 of the code of Alabama of 1907.

H. 437. To amend section 6902 of the code.

H. 467. To amend section 6964 of the code of Alabama.

H. 472. To amend section 6966 of the code of Alabama.

H. 288. To amend section 6958 of the code of Alabama of 1907.

H. 214. To amend sections 6901 and 6902 of the code.

H. 336. To amend section 6971 of the code of 1907, in so far as the same relates to Jackson county.

H. 361. To amend section 6964 of the code of Alabama of 1907.

H. 465. To amend section 6958 of the code of Alabama of 1907.

H. 360. To amend section 6902 of the code of Alabama of 1907.

H. 763. To amend section 9 of an act entitled "an act to provide for the protection of the forests of Alabama, to establish and create a State commission of forestry to consist of the governor, a member of the State tax commission, the State game and fish commissioner, the commissioner of agriculture and industries, a member of the United States forest service, the professor of forestry in the Alabama Polytechnic institute and one practical lumberman, to declare the county game and fish wardens, forest wardens; to declare constables, justices of the peace, sheriffs and deputy sheriffs, ex-officio forest wardens, and to provide for the appointment of deputy forest wardens by the governor; to exempt from taxation for a period of ten years, land which shall be planted in trees; to appropriate the sum of five hundred dollars annually for the purpose of carrying out the provisions of this act to create a forest reserve fund, and to provide for the payment of all fines, forfeitures and penalties arising under the provisions of this act into said fund."

H. 591. To amend section 6960 of the code of Alabama of 1907.

H. 359. To amend section 6899 of the code of Alabama of 1907.

H. 219. To amend section 6964 of the code of Alabama of 1907.

H. 520. To amend an act entitled an act for the further protection of fish. To make it unlawful to use nets, seines, or other devices, or substitutes for the same in streams or bodies of water emptying into the tide waters of this State for the purpose of catching or taking bass, fresh water trout or bream between April 1st, ~~and July 1st of each year. To legalize the use of hoop~~ nets and fish traps in certain waters of this State, approved August 31st, 1909, so as to read as follows:

H. 466. To amend section 6957 of the code of Alabama of 1907.

H. 592. To amend section 6902 of the code of Alabama of 1907.

H. 220. To repeal section 6967 of the code of Alabama.

H. 271. To amend section 6958 of the code of Alabama.

Mr. Thomas, chairman of the standing committee on Appropriations, reported that said committee in session has acted on the following bills and ordered same returned to the House with an adverse report:

H. 797. To amend section 896 of the political code of Alabama of 1907.

S. 340. Providing for a topographic survey and map of Alabama.

Mr. Walden, chairman of the standing committee on Soldier's Home and Pension, reported that said committee in session has acted on the following bills and ordered same returned to the House with an adverse report:

H. 707. To provide for the examination of the pension roll and the books and records of the officers disbursing pension warrants and the purging of said pension roll.

S. 332. To place J. W. Moore, an ex-Confederate soldier of Hale county, Alabama on the Confederate pension roll as a pensioner of the first class.

Mr. Parks, chairman of the standing committee on Judiciary, reported that said committee in session has

acted on the following bill and ordered same returned to the House with an adverse report:

S. 242. To fix and prescribe the manner and way of satisfying, or partly satisfying, the recorded liens on real property in all counties in the State of Alabama, having over fifty thousand population according to the last Federal or State census.

Mr. Molton, chairman of the standing committee on Banking, reported that said committee in session has acted on the following bill and ordered same returned to the House with an adverse report:

H. 740. To amend subdivision 8 of section 2082 of the code of Alabama.

Mr. Percy, chairman of the standing committee on Municipal Organization, reported that said committee in session has acted on the following bill and ordered same returned to the House with an adverse report:

H. 23. To compensate property owners for consequential damages for the closing or obstructing of any street in any village, town or city.

Mr. Brindley, chairman of the standing committee on Ways and Means, reported that said committee in session has acted on the following bill and ordered same returned to the House with an adverse report:

H. 342. To repeal subdivision 84 1-2 of an act entitled an act to better provide for the revenue of the State, approved March 4th, 1903; and also to repeal section 12 of an act entitled an act to further amend the revenue laws of the State of Alabama, approved March 7th, 1907.

#### INTRODUCTION OF BILLS.

On a call of the counties, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Huddleston:

H. 820. To prescribe the amount of license taxes to be paid to the State of Alabama by each dispensary of spirituous, vinous, or malt liquors operated in the State.

Temperance.

By Mr. Jones (notice and proof):

~~H. 821. To relieve Edgar Baas of Monroe county,~~  
Alabama from the payment of the fine and costs under confession of judgment with one Sampson Smith, and to authorize the sheriff of Monroe county to mark the execution in the case "satisfied."

Local Legislation.

Notice and proof, H. 821.

#### NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama to relieve Edgar Baas from the payment of fine and costs of the State vs. Sampson Smith, in which case Edgar Baas confessed judgment with said Sampson Smith. This Jan. 12, 1911.

State of Alabama, }  
Monroe County. }

Before me, M. R. Sowell, a notary public, in and for said county and State, personally appeared Q. Salter, who being by me first duly sworn, deposes and says as follows: I am the publisher of the Monroe Journal, a newspaper, published in Monroeville, Monroe county, Alabama; affiant further saith that the attached notice was published in said Monroe Journal for four consecutive weeks, beginning on the 19th day of January, 1911 and ending on the 23rd day of February, 1911.

And further affiant saith not.

This 23rd day of March, 1911.

Q. Salter.

Sworn to and subscribed this 23rd day of March, 1911.

M. R. Sowell,  
Notary Public.

By Mr. Chamberlain:

H. 822. To amend section 4080 of the code of Alabama.

Local Legislation.

BILLS ON THIRD READING.

H. 327. To amend sections 4594 and 4595 of the code of Alabama.

Was taken up.

The following substitute to the bill was offered by Mr. Fuquay:

A bill to be entitled an act to amend sections 4594 and 4595 of the code of Alabama.

Section 1. *Be it enacted by the Legislature of Alabama*, That sections 4594 and 4595 of the code of Alabama be amended so as to read as follows:

"4594 (2619). Contract of insurance made by company belonging to tariff association construed to add twenty-five per cent to face of policy.—Every contract or policy of insurance made or issued since the eighteenth day of February, 1897, shall be construed to mean that in the event of loss or damage thereunder, the assured or beneficiary thereunder may, in addition to the actual loss or damage suffered, recover twenty-five per cent of the amount proven to be due the assured under such policy or policies, any stipulation or provision in such contract or policy to the contrary notwithstanding, if at the time of making such contract or policy of insurance or subsequently before the time of trial, the insurer belonged to, or was a member of or in any way connected with, any tariff association or such like thing by whatever name called or who made any agreement or had any understanding with any other person, corporation or association engaged in the business of insurance as agent or otherwise about any particular rate of premium which should be fixed or charged or fixed for any kind of class of insurance risk; and provided the right of action shall accrue fifteen days after the proof of loss had been filed with the home office of the insuring company, or in the

hands of a duly qualified agent of the company. Provided always, however, that the penalty named herein shall not be enforced against any company which pays or offers to pay the assured or the beneficiary the full amount of the loss ascertained and proven to be due under the policy or policies, within sixty days after proof of loss.

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4595 (2620). Jury or court finding certain facts must add amount of penalty to verdict, etc. Upon the trial of any action founded upon insurance policies, if it is shown to the reasonable satisfaction of the jury or the court trying the facts, that such insurer at the time of making of such agreement or policy of insurance or subsequently before the time of trial belonged to or was a member of, or in any way connected with any tariff association or such like thing by whatever name called, either in or out of this State or had any agreement or had any understanding either in or out of the State with any other person, corporation or association engaged in the business of insurance as agent or otherwise about any particular rate of premium which should be charged or fixed for any risk of insurance on any property located in the State of Alabama, they must, if they find for the assured or beneficiary, in addition to the actual damages, assess and add twenty-five per cent of the amount proven to be due the assured under such policy or policies and judgment shall be rendered accordingly whether claimed in complaint or not."

Mr. Merrill moved to table the bill and amendment, and the motion was lost.

Yeas, 12; nays, 58.

Yeas:

Messrs:—

Barnard

James

Walden

Bell (Pickens)

Merrill

Whatley

Capps

Overton

Wheeless

Helms

Pittman

Wright

## Nays:

## Messrs:—

Speaker	Jenkins (Bullock)	O'Neill
Acker	Johnson (Clarke)	Page
Bell (Autauga)	Johnson (Elmore)	Popwell
Brewer	Johnson (Marshall)	Preston
Burton	Jones	Quin
Bush	Judge	Ramsey
Butt	Kilburn	Richeson
Carroll	Lavender	Rylance
Cranford	Lawson	Sanders
Dennis	Lee	Smith
Eastis	Letson	Stollenwerck
Edmonds	Lloyd	Sullivan
Fowlkes	Lumpkin	Thomas
Fuquay	Martin (Jackson)	Twombly
Greene	Mathews	Waddell
Griffith	Molton	Waits
Hollis (Walker)	McCurdy	Walker
Hood	McDonald	Wilhite
Horton	McGowen	Williams
Huddleston	Nicholson	

—58

. And the substitute was adopted.

Yeas, 70; nays, 4.

## Yeas:

## Messrs:—

Speaker	Cranford	Johnson (Marshall)
Acker	Darden	Jones
Avery	Eastis	Judge
Barnard	Fowlkes	Kilburn
Bell (Autauga)	Fuquay	Lane
Brewer	Gewin	Lawson
Boswell	Greene	Letson
Brown (Pike)	Griffith	Lloyd
Burton	Helms	Lumpkin
Bush	Hood	Martin (Calhoun)
Butt	Huddleston	Martin (Jackson)
Capps	Johnson (Clarke)	Mastin
Carroll	Johnson (Elmore)	Mathews



# 2072 JOURNAL HOUSE REPRESENTATIVES, 1911.

Merrill	Pruett	Sullivan
Milner	Quinn	Thomas
Molton	Ramsey	Waddell
Mulkey	Richeson	Waits
McCurdy	Roberson	Walker
McDonald	Rylance	Whatley
McGowen	Smith	Wheeless
Nicholson	Strickland	Wilhite
O'Neill	Stollenwerck	Williams
Page	Sturdivant	Wright
Popwell		

—70

Nays:

Messrs:—

Edmonds	Jenkins (Bullock)	Walden
James		

—4

And the bill:

H. 327. To amend sections 4594 and 4595 of the code of Alabama.

As amended, was read a third time, at length and passed.

Yeas, 65; nays, 5.

Yeas:

Messrs:—

Speaker	Fletcher	Lane
Acker	Fowlkes	Lawson
Avery	Fuquay	Lee
Bell (Autauga)	Gewin	Letson
Brewer	Greene	Lloyd
Brown (Pike)	Griffith	Martin (Calhoun)
Burton	Hood	Mastin
Bush	Jackson	Mathews
Butt	Jenkins (Bullock)	Milner
Capps	Johnson (Clarke)	Molton
Carroll	Johnson (Elmore)	McCurdy
Cranford	Johnson (Marshall)	McDonald
Dennis	Jones	McGowen
Eastis	Kilburn	Nicholson
Flanagan	Knight	O'Neill

Page	Smith	Waddell
Preston	Strickland	Waits
Pruett	Stollenwerck	Wheeless
Quinn	Sturdivant	Wilhite
Richeson	Sullivan	Williams
Roberson	Thomas	Wright
Rylance	Twombly	—65

Nays:

Messrs:—		
Edmonds	Merrill	Whatley
James	Walden	—5

And the bill H. 327 was ordered sent to the Senate without engrossment.

S. 161. (With amendment.) To amend subdivision 7 of section 1678, article 1, chapter 41, of the code of 1907.

Was taken up.

The question was upon the adoption of the amendment reported by the standing committee on Education said amendment being as follows:

Amend section 1 of said bill so as to make the same read as follows:

Section 1. *Be it enacted by the Legislature of Alabama*, That subsection 7 of section 1678, article 1, chapter 41 of the code of Alabama be amended so as to read as follows:

7. A further sum of five hundred thousand dollars (\$500,000.00) annually for every scholastic year; provided, however, that there is hereby appropriated the additional sum of one hundred thousand dollars (\$100,000.00) annually if in the judgment of the governor of Alabama the financial condition of the State treasury will permit of such additional appropriation.

And the amendment was adopted.

Yeas, 77; nays, 3.

Yeas:

Messrs:—		
Speaker	Barnard	Brewer
Acker	Bell (Autauga)	Brown (Pike)
Avery	Bell (Pickens)	Brown (Tuscaloosa)

Burton	Johnson (Marshall)	Page
Bush	Jones	Pharr
Butt	Judge	Pittman
Capps	Kilburn	Popwell
Carroll	Knight	Preston
Chamberlain	Lane	Pruett
Cranford	Lawson	Quinn
Dennis	Lee	Ramsey
Eastis	Letson	Richeson
Edmonds	Lloyd	Rylance
Flanagan	Lumpkin	Sanders
Fowlkes	Martin (Calhoun)	Smith
Fuquay	Martin (Jackson)	Strickland
Greene	Mathews	Stollenwerck
Helms	Merrill	Sullivan
Hollis (Walker)	Milner	Thomas
Hood	Molton	Waddell
Horton	Mulkey	Waites
Huddleston	McDonald	Walker
James	McGowen	Whatley
Jenkins (Bullock)	Nicholson	Wilhite
Johnson (Clarke)	O'Neill	Williams
Johnson (Elmore)	Overton	

—77

Nays:

Messrs:—

Darden

McCurdy

Twombly

—3

And the bill:

S. 161. To amend sub-division 7 of section 1678, article 1. chapter 41, of the code of 1907.

As amended, was read a third time at length and passed.

Yeas, 77; nays, 2.

Yeas:

Messrs:—

Speaker

Bell (Autauga)

Brown (Pike)

Acker

Bell (Pickens)

Brown (Tuscaloosa)

Avery

Brewer

Burton

Barnard

Boswell

Bush

Capps	Jones	Popwell
Carroll	Kilburn	Preston
Chamberlain	Lane	Pruett
Cranford	Lavender	Quinn
Darden	Lawson	Ramsey
Dennis	Lee	Richeson
Eastis	Letson	Rylance
Edmonds	Lloyd	Sanders
Flanagan	Lumpkin	Smith
Fowlkes	Martin (Calhoun)	Strickland
Fuquay	Martin (Jackson)	Stollenwerck
Gewin	Mathews	Sturdivant
Greene	Merrill	Sullivan
Helms	Milner	Thomas
Hollis (Walker)	Mulkey	Waddell
Hood	McDonald	Waits
Horton	McGowen	Walker
Jackson	Nicholson	Whatley
Jenkins (Bullock)	O'Neill	Wheeless
Johnson (Clarke)	Overton	Wilhite
Johnson (Elmore)	Pharr	Wright
Johnson (Marshall)	Pittman	

—77

Nays:

Messrs:—

McCurdy

Twombly

—2

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 674. To establish a State school for teaching agriculture and domestic economy at Lineville, Alabama, to provide for the management and control thereof, and to make appropriation to support said school.

H. 252. To amend section 6573 of the code of Alabama of 1907.

H. 283. To amend sections 28, 29 and 32 of the code of Alabama, 1907.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

The committee on Enrolled bills have examined the following and H. J. resolution:

H. J. R. 79. House joint resolution, relative to requesting the ~~Hon. William H. Taft, President of the~~ United States to grant a pardon to W. S. Harlan, S. E. Huggins, C. C. Hilton, Robert Gallagher, and Walter E. Grace, citizens of the State of Alabama.

And find same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.

SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum of the House, signed the resolution the title to which is set out in the above and foregoing report from the standing committee on Enrolled bills.

Mr. Fowlkes called up his motion to take from the adverse calendar H. 731, the motion prevailed and the bill:

H. 731. To regulate the practice of nursing sick persons in the State of Alabama and to provide for the licensing of nurses.

Was read a second time and placed upon the regular calendar of the House.

H. 238. (With amendment.) To create and establish a reform school for the training of juvenile negro law breakers at Mt. Meigs, Alabama; to make appropriations for the purpose and accept by donation all such lands and buildings as are needful therefor; to create a board of trustees and to provide for the suitable management of said institution.

Was taken up.

The question was upon the adoption of the amendment offered by the committee on appropriations, said amendment being as follows:

Amend section 11, by striking out of line four, the words, "the sum of ten thousand dollars" and inserting in lieu thereof, the words: "The sum of eight thousand dollars."

And the amendment was adopted.

Yeas, 60; nays, 1.

Yeas:

Messrs:—

Speaker	Jackson	Overton
Acker	Jenkins (Bullock)	Page
Avery	Johnson (Marshall)	Pharr
Barnard	Jones	Pittman
Bell (Pickens)	Kilburn	Preston
Brewer	Lane	Quinn
Boswell	Lawson	Richeson
Brown (Pike)	Letson	Rylance
Brown (Tuscaloosa)	Lloyd	Sanders
Burton	Lumpkin	Smith
Bush	Martin (Calhoun)	Strickland
Butt	Martin (Jackson)	Stollenwerck
Capps	Mastin	Sturdivant
Chamberlain	Mathews	Sullivan
Darden	Merrill	Thomas
Dennis	Molton	Twombly
Eastis	Mulkey	Waddell
Edmonds	McDonald	Whatley
Fowlkes	McGowen	Williams
Hood	Nicholson	Wright

—60

Mr. Lavender offered the following amendment:

Amend by adding at the end of Sec. 3, the following:

Provided, That no criminal over the age of 15 years shall be admitted to said institution.

And the amendment was adopted.

Yeas, 59; nays, 4.

**Yeas:**

Messrs:—

Speaker	Jackson	Pharr
Acker	James	Pittman
Avery	Jenkins (Bullock)	Popwell
Barnard	Johnson (Marshall)	Preston
Bell (Autauga)	Jones	Pruett
Ben (Pickens)	Judge	Richeson
Brewer	Kilburn	Rylance
Boswell	Lane	Smith
Brown (Pike)	Lavender	Strickland
Brown (Tuscaloosa)	Lawson	Stollenwerck
Burton	Lee	Sullivan
Bush	Letson	Thomas
Butt	Lloyd	Waddell
Chamberlain	Martin (Calhoun)	Waits
Flanagan	Mastin	Walker
Gewin	Molton	Whatley
Greene	Mulkey	Wheeless
Helms	McDonald	Williams
Hood	McGowen	Wright
Horton	Nicholson	

—59

**Nays:**

Messrs:—

Edmonds	Johnson (Elmore)	Sanders
Fowlkes		

—4

**And the bill:**

H. 238. To create and establish a reform school for the training of juvenile negro law breakers at Mt. Meigs, Alabama; to make appropriations for the purpose and accept by donation all such lands and buildings as are needful therefor; to create a board of trustees and to provide for the suitable management of said institution.

As amended, was read a third time at length and passed.

Yeas, 53; nays, 19.

## Yeas:

Messrs:—

Speaker	Helms	Molton
Acker	Hood	Mulkey
Avery	Horton	McDonald
Barnard	Jackson	McGowen
Bell (Autauga)	James	Nicholson
Brewer	Jenkins (Bullock)	Overton
Boswell	Johnson (Marshall)	Pegram
Brown (Pike)	Jones	Popwell
Brown (Tuscaloosa)	Kilburn	Preston
Burton	Knight	Quinn
Bush	Lavender	Ramsey
Carroll	Lawson	Smith
Chamberlain	Letson	Stollenwerck
Cranford	Lloyd	Sullivan
Eastis	Martin (Calhoun)	Thomas
Fuquay	Mastin	Waddell
Greene	Mathews	Waites
Griffith	Merritt	

—53

## Nays:

Messrs:—

Butt	McCurdy	Walker
Capps	Pittman	Whatley
Edmonds	Pruett	Wheeless
Flanagan	Richeson	Wilhite
Fowlkes	Sanders	Williams
Johnson (Elmore)	Twombly	Wright
Merrill		

—19

S. 19. (With amendment.) To appropriate the sum of twenty-five thousand dollars for the erection of a modern school building for the sixth congressional district agricultural school located at Hamilton, the present building having become inadequate for the necessities of the school.

Was taken up.

The question was upon the adoption of the amendment reported by the standing committee on Appropriations, said amendment being as follows:



Amend section three, by adding, "provided that the appropriation of twenty-five thousand (\$25,000.00) shall be paid in four annual settlements of \$6,250 each payable October 1st, 1911, October 1st, 1912, October 1st, 1913, and October 1st, 1914 respectively.

And the amendment was adopted.

Yeas, 60; nays, 8.

### Yeas:

Messrs:—

Speaker	James	Pharr
Acker	Johnson (Clarke)	Pegram
Avery	Johnson (Elmore)	Pittman
Barnard	Johnson (Marshall)	Preston
Brown (Pike)	Jones	Pruett
Burton	Kilburn	Quinn
Bush	Lane	Ramsey
Butt	Lavender	Richeson
Capps	Letson	Roberson
Carroll	Lloyd	Smith
Chamberlain	Martin (Calhoun)	Strickland
Cranford	Martin (Jackson)	Stollenwerck
Darden	Mastin	Sturdivant
Dennis	Mathews	Sullivan
Eastis	Merritt	Thomas
Edmonds	Mulkey	Waits
Flanagan	McDonald	Walden
Greene	Nicholson	Wheless
Griffith	Overton	Williams
Hollis (Walker)	Page	
Jackson		

—60

### Nays:

Messrs:—

Bell (Autauga)	Jenkins (Bullock)	Sanders
Bell (Pickens)	Popwell	Walker
Helms		

—8

And the bill,

S. 19. To appropriate the sum of twenty-five thousand dollars for the erection of a modern school building for the sixth congressional district agricultural

school located at Hamilton, the present building having become inadequate for the necessities of the school.

As amended, was read a third time, at length and passed.

Yeas, 54; nays, 20.

Yeas:

Messrs:—

Speaker	Griffith	McGowen
Acker	Hollis (Walker)	Nicholson
Avery	Horton	O'Neill
Barnard	James	Overton
Brewer	Johnson (Clarke)	Pegram
Burton	Johnson (Elmore)	Preston
Bush	Johnson (Marshall)	Quinn
Butt	Jones	Richeson
Capps	Kilburn	Roberson
Carroll	Lane	Smith
Cranford	Lavender	Strickland
Darden	Lawson	Stollenwerck
Eastis	Letson	Sturdivant
Edmonds	Lloyd	Sullivan
Flanagan	Martin (Calhoun)	Thomas
Fletcher	Milner	Waits
Gewin	Molton	Walden
Greene	McDonald	Wright

—54

Nays:

Messrs:—

Bell (Autauga)	Huddleston	Twombly
Bell (Pickens)	Jenkins (Bullock)	Waddell
Brown (Pike)	Mathews	Walker
Dennis	Popwell	Whatley
Fuquay	Pruett	Wheless
Helms	Rylance	Williams
Hood	Sanders	

—20

#### PAIR ANNOUNCED.

The following pair was announced: Mr. Chamberlain announced that he was paired with Mr. Merrill.

If he were present he would vote nay and Mr. Chamberlain would vote yea.

H. 358. To provide for the further maintenance and support of the State normal school for colored students at Montgomery, Alabama.

Was taken up.

Mr. Smith offered the following amendment to the bill:

Amend House bill 358, by striking out the words "April 1st," where they occur in section one and insert in lieu thereof, the words "April 15th."

And the amendment was adopted.

Yeas, 49; nays, 6.

Yeas:

Messrs:—

Acker	Jenkins (Baldwin)	O'Neill
Arnold	Johnson (Clarke)	Overton
Avery	Johnson (Elmore)	Pharr
Bell (Autauga)	Johnson (Marshall)	Pegram
Boswell	Jones	Percy
Brown (Pike)	Judge	Pittman
Brown (Tuscaloosa)	Kilburn	Popwell
Butt	Lane	Preston
Carroll	Lavender	Ramsey
Chamberlain	Lee	Smith
Cranford	Letson	Stollenwerck
Darden	Martin (Calhoun)	Sullivan
Dennis	Mastin	Thomas
Eastis	Mulkey	Whatley
Greene	McDonald	Wheless
Horton	McGowen	
James	Nicholson	

—49

Nays:

Messrs:—

Barnard	Sanders	Walden
Middleston	Waddell	Williams

—6

And the bill:

H. 358. To provide for the further maintenance and support of the State normal school for colored students at Montgomery, Alabama.

As amended, was read a third time at length and passed.

Yeas, 48; nays, 30.

Yeas:

Messrs:—

Speaker	James	Mulkey
Acker	Jenkins (Baldwin)	McDonald
Arnold	Johnson (Elmore)	McGowen
Barnard	Johnson (Marshall)	Nicholson
Brewer	Jones	O'Neill
Brown (Pike)	Kilburn	Overton
Bush	Knight	Pegram
Butt	Lane	Pitts
Carroll	Lavender	Preston
Cranford	Lawson	Quin
Darden	Lee	Smith
Dennis	Letson	Stollenwerck
Eastis	Lloyd	Sturdivant
Flanagan	Martin (Calhoun)	Sullivan
Greene	Mastin	Thomas
Horton	Molton	Waites

—48

Nays:

Messrs:—

Bell (Autauga)	Martin (Jackson)	Strickland
Bell (Pickens)	Mathews	Twombly
Capps	Merrill	Waddell
Edmonds	Merritt	Walden
Fletcher	Milner	Walker
Fuquay	McCurdy	Whatley
Griffith	Pharr	Wheless
Helms	Pittman	Wilhite
Hollis (Walker)	Popwell	Williams
Hood	Richeson	Wright
Huddleston	Sanders	

—30

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President and presiding officer of the Senate having signed the following Senate bills:

S. 53. An act to change and regulate the appointment of the board of control of the Cane Brake agricultural experiment station, to prescribe the authority and duties of the said board and to provide for the expenses of said station.

S. 124. An act to amend sections 1626, 1637, 1638, 1639, 1640 of the code of Alabama of 1907.

Your signature thereto is requested.

J. A. Kyle,  
Secretary.

SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 460. To establish a reformatory and industrial school for negro juvenile delinquents; to provide for its name, maintenance and government; to prescribe what delinquent children shall be admitted thereto; and further to provide what delinquent children shall be sent to and kept therein; to regulate their detention and discharge.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message, was read one time and referred to an appropriate standing committee as follows:

Appropriations, S. 460.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 463. To provide for the better equipment of the normal school at Daphne, Alabama, Baldwin county, and to make an appropriation therefor.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message, was read one time and referred to an appropriate standing committee as follows:

Appropriations, S. 463.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 396. To appropriate ten thousand dollars for the purpose of constructing and equipping a dormitory and constructing or improving other school and farm buildings for the second district agricultural school and experiment station located and situated at Evergreen, Alabama, known as the South West Alabama Agricultural school.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message, was read one time and referred to an appropriate standing committee as follows:

Appropriations, S. 396.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker :

The committee on Enrolled bills have examined the following House bills.

H. 354. To provide for the creation of a State Highway Commission, defining its powers, duties and compensation, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State aid and State supervision over all public roads, culverts and bridges of the State for construction of a permanent nature, and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose; and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources.

H. 147. To amend section 7692 of the code of Alabama of 1907.

H. 179. To appropriate the sum of thirty dollars for the year 1905, and the further sum of thirty dollars for the year 1906, and the further sum of thirty dollars for the year 1907, total ninety dollars, to W. M. Walls of Cleburne county, an ex-confederate soldier, as a confederate pensioner for said years, his name having been erroneously omitted from the list of pensioners for said years.

H. 254. To amend sections 7833, (5612) (3875) (4417) (4420). (3736, 3738) (189, 191) of the code of Alabama of 1907.

H. 399. To provide the time of holding the circuit court of Coosa county at Goodwater.

H. 422. To amend section 470 of the code of 1907.

H. 453. To amend an act entitled, "an act to fix the time of holding the circuit court in the third judicial circuit of the State of Alabama," approved August 19, 1909.

H. 523. To create a highway commission for Houston county, Alabama, and to define the powers and duties of said commission, and to provide for the appointment of the members of said commission and to aid the commission in obtaining revenue to carry out its work.

H. 674. To establish a state school for teaching agriculture and domestic economy at Lineville, Alabama, to provide for the management and control thereof, and to make appropriation to support said school.

H. 439. To create the office of county solicitor for Butler county, provide for the election of such solicitor by the qualified electors of said county, and to prescribe his qualifications and duties and fix his compensation.

And find same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled bills.

#### BILL ON THIRD READING.

S. 434. To establish in precinct one in Madison county, Alabama, an inferior court in lieu of all justices of the peace and notaries public with the powers of a justice of the peace in the said precinct, to be known



as the inferior court of Huntsville, to define the jurisdiction and powers of said court and the judge thereof.

Was read a third time at length and passed.

Yeas, 63; nays, 0.

**Yeas:**

Messrs:—

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Speaker	Hollis (Walker)	McDonald
Acker	Hood	McGowen
Barnard	Horton	Nicholson
Brewer	Jenkins (Baldwin)	O'Neill
Brindley	Johnson (Marshall)	Overton
Brown (Pike)	Jones	Page
Brown (Tuscaloosa)	Judge	Pharr
Burton	Kilburn	Pegram
Bush	Knight	Percy
Butt	Lane	Pittman
Capps	Lawler	Pitts
Carroll	Lee	Popwell
Cranford	Letson	Quinn
Dennis	Lloyd	Richeson
Edmonds	Lumpkin	Rylance
Fletcher	Martin (Calhoun)	Smith
Fowlkes	Martin (Jackson)	Sturdivant
Fuquay	Mathews	Sullivan
Gewin	Milner	Twombly
Griffith	Molton	Walden
Helms	Mulkey	Williams

—63

The following report from the Conference committee on the disagreement of the two Houses to the Senate amendments to H. 691, made the following report:

**REPORT OF CONFERENCE COMMITTEE ON REVENUE BILL.**

The Joint committee appointed by the Senate and House respectively to consider the revenue bill, House bill 691 and the amendments made to it by the Senate

and non-concurred in by the House, beg leave to report as follows:

That we recommend that the Senate recede from its amendments designated as sections 36 (c), 36 (d) and 36 (e) and insert in lieu thereof the following as section 36 (c), 36 (d) and 36 (e):

And that the House concur therein.

"36(c). From any final assessment of tangible or intangible property for taxes fixed by any officer, board, or tribunal charged with the duty of assessing tangible or intangible property for taxes, or with the duty of revising or reviewing assessments of property or taxes, the owner, in case the property lies entirely within one county, may appeal to the circuit court, or any court of like jurisdiction, of the county in which the property lies, and, in case the property lies in more than one county, the owner may appeal to the circuit court, or any other court of like jurisdiction, of any county in which any of the property lies. All such appeals may be taken within thirty days after the date of the assessment, or after the date of the final decision of the officer, board, or tribunal in case the assessment is revised or reviewed by any officer, board, or tribunal charged with the duty of making such revision or review, within thirty days after the decision of such officer, board, or tribunal, upon the owner giving bond, with sureties to be approved by the judge or clerk of the court to which the appeal is taken, and payable to the State of Alabama, in double the amount of State and county taxes lawfully due on such assessment or valuation as fixed by said assessment, or by the decision of the officer, board or tribunal by whom assessment has been revised or reviewed, conditioned to prosecute said appeal to effect and to pay all lawful taxes which may be held by the court to be or to become due on said property according to such valuation as may be determined by the court.

The trial upon such appeal shall be *de novo*, and the court shall render judgment against appellant for such taxes as may be or become lawfully due on said prop-

erty, and on the hearing of said appeal the owner may introduce any legal evidence bearing upon the reasonable value of the property assessed, including, in cases where tangible values are assessed, the aggregate value of both the tangible and intangible assets, or bearing upon any inequalities in the assessment of said property with the assessed values of other properties in the locality and similarly situated, and may also introduce evidence of the real value of any taxable property in the locality or similarly situated and the assessed value thereof as compared with such real value. In determining the amount at which such property should be assessed, the jury shall take into consideration all evidence in the case, and assess the property of such owner, both tangible and intangible, at the same proportion of the real value as the assessed value of other property in this locality and similarly situated, bears to the real value thereof, as shown by the consideration of the entire evidence; to the end that all property shall be assessed at the same proportion of its real value, whether the same is assessed by any State board, or State officer, or by the several tax assessors, or court of county commissioners, or other courts of like jurisdiction.

All such appeals shall be preferred cases and shall be set for trial at the first succeeding term of the court after said appeal is taken, unless the court shall be in session at the time the appeal is taken, in which event the case shall be set for trial during the term then in session; provided, however, that no such appeal shall suspend the right of the State to collect from the appellant taxes upon his property at the valuation fixed for assessment for the preceding tax year, and the appellant shall, when taxes are due, pay all taxes due at the assessed valuation for such preceding year. If the judgment of the court shall be rendered after the appellant shall have paid taxes based upon the assessed valuation for such preceding year, the court shall ascertain and determine the amount of taxes so paid and render judgment only for the difference due upon

the assessed valuation for such preceding year and the valuation as fixed by the court. From the judgment of the trial court either party may appeal to the supreme court within thirty days from the rendition of the judgment."

36 (d). When any assessment has been made or valuation fixed by the State tax commission or by a county tax commissioner or by the judgment of any court of record, the property so assessed, shall not be assessed at any greater or less valuation or for any greater or less amount for the next succeeding year, unless there shall be a change in the condition of improvements on said property, in which event the assessment may be increased or reduced to the extent only of the increase or reduction of the value of the improvements.

We further recommend that the Senate recede from its amendment striking out the words: "Franchise tax of fifty cents per thousand dollars of its paid up capital stock" and insert in lieu thereof the following words: "Corporations whose capital stock does not exceed fifty thousand dollars, one dollar per thousand dollars of its capital stock up to and including fifty thousand."

We further recommend that the Senate recede from its amendment designated as section 5 1-2.

We further recommend that the Senate recede from its amendment added at the end of section 12, which is in the following words:

"Provided, however, that the amount of franchise taxes paid by public utility corporations under the provisions of this section shall be allowed as a credit against their franchise or intangible property tax."

We further recommend that the Senate recede from its amendment inserting the word "ten" in line four section 33 1-2 in place of the words "for the State only of five."

We further recommend that the House concur in and adopt the other amendments passed by the Senate.

36(e). "The governor may at any time, with or without cause, remove the chairman and associate mem-

bers of the State tax commission from office, or any of them, and fill any vacancies caused by such removal."

A. R. Brindley,  
Fleetwood Rice,  
Walker Percy,  
A. D. Pitts,  
J. J. Arnold,

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Committee on the part of the House.

T. S. Plowman,  
Robt. E. Spragins,  
C. M. Sherrod,  
W. B. Merrill,  
A. M. Tunstall,

Committee on the part of the Senate.

On motion of Mr. Brindley, the report of the Conference committee was concurred in and adopted.

Yeas, 79; nays, 11.

Yeas:

Messrs:—

Acker	Flanagan	Letson
Arnold	Fletcher	Lloyd
Avery	Fowlkes	Lumpkin
Barnard	Fuquay	Martin (Calhoun)
Bell (Autauga)	Gewin	Martin (Jackson)
Brewer	Greene	Mastin
Brindley	Helms	Mathews
Boswell	Hollis (Walker)	Molton
Brown (Pike)	Hood	Mulkey
Brown (Tuscaloosa)	Huddleston	McCurdy
Burton	Jackson	McDonald
Bush	Jenkins (Bullock)	McGowen
Butt	Johnson (Elmore)	Nicholson
Capps	Johnson (Marshall)	J'Neill
Carroll	Jones	Overton
Chamberlain	Judge	Page
Cranford	Kilburn	Pegram
Darden	Knight	Pittman
Dennis	Lane	Pitts
Eastis	Lavender	Preston

Pruett	Strickland	Waites
Quinn	Stollenwerck	Walden
Ramsey	Sturdivant	Walker
Rice	Sullivan	Whatley
Roberson	Thomas	Wheeless
Rylaice	Twombly	Wright
Smith		

—79

Nays:

Messrs:—

Speaker	Merrill	Waddell
Griffith	Popwell	Wilhite
Horton	Richeson	Williams
James	Sanders	

—11

On motion of Mr. Waddell, all House bills hereafter passed were ordered sent to the Senate without engrossment.

RECESS.

The hour of one o'clock having arrived, the House recessed.

AFTERNOON SESSION.

The hour of three o'clock having arrived, the House reconvened.

RESOLUTION.

The following resolution was introduced:

By Mr. Merritt:

H. R. 117. Resolved, That it is the sense of the House, that should Senate amendments to H. 563 be submitted to the House to night, that the same shall not be considered until the next legislative day.

Rules suspended and resolution was adopted.

GOVERNOR'S MESSAGE.

On motion of Mr. Smith, the House concurred in and adopted the amendment offered by the governor to the bill, H. 323, said governor's amendment being as follows:

Montgomery, Ala., March 31st, 1911.

To the House of Representatives:

I herewith return House bill 323, without my approval, and suggest the following amendments to meet my objections thereto:

Strike out section 2 and insert in lieu thereof the following:

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"Section 2. In all cities of the State of Alabama which have such population according to the last Federal census, the governor is authorized and required to appoint from and after the approval of this act four persons to hold office as commissioners of said city, who shall hold office until the first Monday in October, 1915, and until their successors shall be elected and shall qualify as hereinafter provided. The term of office of each member of the board, including the president of commissioners, after the expiration of the term herein provided for shall be four years, and until their successors shall be elected and shall qualify as hereinafter provided. The mayor or chief executive of every such city at the time this act shall be approved shall be and become as soon as the other commissioners take office as provided herein the president of the board of commissioners of such city, and shall hold office until the first Monday in October, 1915."

Strike out section 4, and insert in lieu thereof the following:

"Section 4. The president and the commissioners provided for in this act shall be known collectively as "the board of commissioners of the city of----- (Name of city to be inserted) and it shall have the power and duties hereinafter provided. The first commissioners appointed under the provisions of this act shall qualify for office in the manner prescribed by this act, and shall take office on the second Monday in April, 1911. As soon as they have qualified for office in any such city, then such city shall at that time and thereby be and become organized under the commission form of government provided by this act, and said commissioners provided for by this act shall forthwith take office and enter upon their duties."

Strike out in section 6 the words "city health officer" where they occur after the words "board of commissioners" in the third line of said section.

Strike out the word "three" where it occurs in the seventeenth line of section 6, and insert in lieu thereof the word "five."

Strike out the following words beginning on the eighteenth line of section 6: "1. Department of public safety and public welfare. 2. Department of streets, parks, city and public property and city and public improvements. 3. Department of accounts, finances and public affairs," and insert in lieu thereof the following: "1. Department of public affairs. 2. Department of accounts and finances. 3. Department of justice. 4. Department of streets and parks. 5. Department of public property and public improvements."

Amend section 7, by striking out the word "two" wherever it occurs in the body of said section and insert in lieu thereof the word "three."

Amend by striking out the word "agent" where it occurs in the 13th line of section 8 and inserting in lieu thereof the word "grant;" and by striking out the words "and net" where they occur in the 85th line of section 8; and by striking out the word "shall" where it occurs in the 95th line and 110th line of said section 8 and inserting in lieu thereof the word "may."

Insert between the words "held" and "on" in the third line of section 9 the following: "At the time designated in this act for the initial election herein provided for, and subsequently."

Amend section 9, by striking out the word "two" where it occurs in the fifth line of said section, and insert in lieu thereof the word "four."

Further amend section 9, by inserting the word "fourth" immediately after the word "succeeding" and immediately before the word "year" in the seventh line of said section.

Strike out the word "September" where the same occurs in lines 35 and 57 of section 9 and leave in lieu thereof a blank space.



Amend section 10, by inserting the words "or more" after the word "one" and before the word "of" in the seventh line of said section

Further amend section 10, by striking out the words "the two candidates receiving the highest number of votes for said office shall be voted for" in lines eleven and twelve of said section, and inserting in lieu thereof the words, "not more than twice the number of candidates for the several offices to be filled shall be voted for, being those who received the highest number of votes in said election."

Amend section 12 by striking out the word "twenty" where it occurs in the nineteenth line of said section, and inserting in lieu thereof the word "five."

Amend section 15, by striking out the words "five thousand" where they occur in the third line of said section and inserting in lieu thereof the words "four thousand five hundred;" and by striking out the words "four thousand five hundred" where they occur in the tenth line of said section and inserting in lieu thereof the words "three thousand."

Amend section 18, by inserting in the fifteenth line of said section, after the word "utility," the words "hereinabove mentioned and described in this section."

Further amend section 18 by inserting after the word "employee" and before the word "of" in the fourteenth line of said section the words "or attorney."

Amend section 18 1-2 by adding at the end thereof the following:

"Any officer or policeman who shall avail himself of the provisions of this section shall nevertheless remain members of said police department and while relieved of regular duties, shall constitute a reserve of said police department, and be at all times subject to the performance of any duty that may be required by the governing body of said city: Provided, that no such fireman or policeman who possesses independent means of livelihood shall come within the provisions of this section."

Amend the bill by striking out section 27.

Emmet O'Neal,  
Governor.

Yeas, 57; nays, 0.

Yeas:

Messrs:—

Speaker	Greene	O'Neill
Acker	Griffith	Overton
Arnold	Helms	Pharr
Avery	Hood	Pitts
Barnard	Horton	Popwell
Bell (Autauga)	James	Quin
Brewer	Johnson (Marshall)	Ramsey
Brown (Pike)	Jones	Rylance
Brown (Tuscaloosa)	Judge	Smith
Burton	Lane	Strickland
Bush	Lavender	Stollenwerck
Carroll	Lawson	Sturdivant
Chamberlain	Lee	Sullivan
Cranford	Lloyd	Thomas
Darden	Martin (Calhoun)	Twombly
Eastis	Milner	Waddell
Edmonds	McDonald	Waits
Fuquay	McGowen	Walker
Gewin	Nicholson	Wilhite

—57

#### BILLS ON THIRD READING.

S. 25. To appropriate sixty thousand dollars for the aid of the State normal school at Jacksonville, Alabama.

Was taken up.

The question was upon the adoption of the amendment offered by the committee on Appropriations, said amendment being as follows:

Amend by striking out the words "eighty thousand" wherever they occur in caption and body of the bill and inserting in lieu thereof the words "sixty thousand."

And the amendment was adopted.

Yeas, 59; nays, 2.

## Yeas:

Messrs:—

Speaker	Hood	Page
Acker	Huddleston	Pharr
Arnold	James	Pegram
Barnard	Jenkins (Bullock)	Pittman
Bell (Autauga)	Johnson (Clarke)	Popwell
Brown (Tuscaloosa)	Johnson (Marshall)	Quinn
Burton	Jones	Smith
Bush	Knight	Strickland
Butt	Lane	Stollenwerck
Capps	Lawson	Sturdivant
Carroll	Letson	Sullivan
Chamberlain	Lumpkin	Thomas
Eastis	Martin (Calhoun)	Twombly
Edmonds	Martin (Jackson)	Waits
Flanagan	Moiton	Walker
Fowlkes	McDonald	Whately
Fuquay	McGowen	Wheeless
Gewin	Nicholson	Wilhite
Greene	O'Neill	Williams
Hollis (Walker)	Overton	

—59

## Nays:

Messrs:—

Milner	Waddell
--------	---------

—2

Mr. Brindley offered the following amendment:

Amend the caption of the bill and the bill by striking out the words "sixty thousand" where such words appear in the caption and the body of the bill, and insert in lieu thereof the words "forty thousand" and by striking out the words "fifteen thousand" where they occur in the bill and inserting in lieu thereof the words "ten thousand."

And the amendment was adopted.

Yeas, 42; nays, 40.

## Yeas:

## Messrs:—

Bell (Autauga)	Hollis (Walker)	O'Neill
Bell (Pickens)	Hood	Page
Brewer	James	Popwell
Brindley	Jenkins (Baldwin)	Richeson
Boswell	Jenkins (Bullock)	Sanders
Brown (Tuscaloosa)	Johnson (Clarke)	Strickland
Burton	Johnson (Marshall)	Sturdivant
Capps	Lee	Thomas
Carroll	Mathews	Twombly
Cranford	Merrill	Walden
Flanagan	Merritt	Walker
Fuquay	Milner	Whatley
Gewin	Molton	Wilhite
Helms	Nicholson	Williams

—42

## Nays:

## Messrs:—

Speaker	Horton	Martin (Jackson)
Acker	Huddleston	Mastin
Arnold	Jackson	McGowen
Barnard	Jones	Pegram
Brown (Pike)	Judge	Pitts
Bush	Kilburn	Preston
Butt	Knight	Quin
Chamberlain	Lane	Ramsey
Darden	Lavender	Stollenwerck
Edmonds	Lawson	Sullivan
Fletcher	Letson	Waits
Fowlkes	Lloyd	Wheless
Greene	Martin (Calhoun)	Wright
Griffith		

—40

## And the bill:

S. 25. To appropriate sixty thousand dollars for the aid of the State normal school at Jacksonville, Alabama.

As amended was read a third time at length and passed.

Yeas, 66; nays, 6.

## Yeas:

Messrs:—

Speaker	Fowlkes	Merritt
Acker	Fuquay	Milner
Arnold	Gewin	Molton
Avery	Griffith	McGowen
Barnard	Helms	Nicholson
Brewer	Holms (Walker)	O'Neil
Brindley	Horton	Overton
Boswell	James	Pegram
Brown (Pike)	Jenkins (Baldwin)	Pittman
Brown (Tuscaloosa)	Jenkins (Bullock)	Pitts
Burton	Johnson (Clarke)	Popwell
Bush	Johnson (Marshall)	Preston
Butt	Jones	Pruett
Capps	Kilburn	Quinn
Carroll	Knight	Ramsey
Chamberlain	Lane	Rylance
Cranford	Lavender	Strickland
Darden	Letson	Sullivan
Dennis	Lloyd	Walden
Eastis	Lumpkin	Walker
Flanagan	Martin (Calhoun)	Wheless
Fletcher	Martin (Jackson)	Wright

—66

## Nays:

Messrs:—

Edmonds	Mathews	Whatley
Hood	Merrill	Williams

—6

H. 699. To amend sections 4031 and 4032 of the code of Alabama.

Was read a third time at length and passed.

Yeas 60; nays, 0.

## Yeas:

Messrs:—

Speaker	Barnard	Brown (Pike)
Acker	Bell (Autauga)	Bush
Arnold	Bell (Pickens)	Butt
Avery	Boswell	Capps

Carroll	Johnson (Marshall)	Pegram
Chamberlain	Jones	Percy
Cranford	Kilburn	Pitts
Darden	Lane	Preston
Eastis	Lavender	Quinn
Flanagan	Lawson	Richeson
Fowlkes	Lee	Rylance
Gewin	Letson	Sanders
Greene	Martin (Jackson)	Strickland
Helms	Mathews	Stollenwerck
Hollis (Walker)	Merrill	Sullivan
Hood	Milner	Thomas
Horton	McCurdy	Waddell
James	McDonald	Waits
Jenkins (Baldwin)	Nicholson	Walden
Johnson (Clarke)	Overton	Whatley

—60

S. 39. To appropriate sixty-five thousand dollars (\$65,000) to the Alabama schools for the deaf and blind.

Was taken up.

The question was upon the adoption of the amendment reported by the standing committee an Appropriation, said amendment being as follows:

Add to section 5: That the said sum of sixty-five thousand dollars (\$65,000.00) be paid in four annual payments, due October 1st, 1911, October 1st, 1912, October 1st, 1913 and October 1st, 1914.

And the amendment was adopted.

Yeas, 59; nays, 0.

Yeas:

Messrs:—

Speaker	Brown (Pike)	Edmonds
Acker	Brown (Tuscaloosa)	Fowlkes
Avery	Burton	Greene
Barnard	Bush	Helms
Bell (Autauga)	Carroll	Hood
Bell (Pickens)	Chamberlain	Jenkins (Baldwin)
Brewer	Darden	Johnson (Clarke)
Boswell	Eastis	

Johnson (Marshall)	McDonald	Richeson
Jones	McGowen	Rylance
Judge	Nicholson	Smith
Lane	Overton	Stollenwerck
Lavender	Pegram	Sturdivant
Lee	Percy	Sullivan
Letson	Pitts	Thomas
Lloyd	Popwell	Waddell
Mastin	Preston	Waites
Mathews	Pruett	Whatley
Merritt	Quinn	Wheless
Molton	Ramsey	Williams

—59

And the bill:

S. 39. To appropriate sixty-five thousand dollars (\$65,000) to the Alabama schools for the deaf and blind.

As amended was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:—

Speaker	Edmonds	Letson
Acker	Flanagan	Lloyd
Arnold	Fuquay	Mathews
Avery	Greene	Molton
Barnard	Griffith	McDonald
Bell (Autauga)	Helms	McGowen
Bell (Pickens)	Hood	Nicholson
Brewer	Jenkins (Baldwin)	O'Neill
Brindley	Johnson (Clarke)	Overton
Boswell	Johnson (Marshall)	Pegram
Brown (Pike)	Jones	Percy
Brown (Tuscaloosa)	Judge	Pitts
Bush	Kilburn	Popwell
Carroll	Lane	Preston
Chamberlain	Lavender	Pruett
Cranford	Lawler	Richeson
Darden	Lawson	Strickland
Eastis	Lee	Stollenwerck

Sullivan	Waits	Williams
Waddell	Whatley	Wright

—60

H. 413. To appropriate the sum of \$7,500.00 for the completion of the school building of the Randolph county high school located at Wedowee; the main school building being destroyed by fire November 30th, 1910.

Was read a third time at length and passed.

Yeas, 55; nays, 0.

Yeas:

Messrs:—

Speaker	Jackson	McGowen
Acker	James	O'Neill
Arnold	Jenkins (Baldwin)	Pharr
Avery	Johnson (Clarke)	Percy
Barnard	Johnson (Marshall)	Pitts
Brewer	Jones	Popwell
Brindley	Judge	Rice
Brown (Tuscaloosa)	Knight	Rylance
Bush	Lavender	Strickland
Capps	Lawson	Sturdivant
Carroll	Lee	Sullivan
Chamberlain	Letson	Thomas
Cranford	Lumpkin	Twombly
Eastis	Martin (Calhoun)	Waddell
Edmonds	Martin (Jackson)	Waits
Gewin	Mastin	Walker
Greene	Molton	Williams
Helms	McDonald	Wright
Hood		

—55

Mr. Arnold gave notice that on the next legislative day that he would move to take from the adverse calendar Senate bill 405.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill:

H. 316. To regulate the assignment of unearned salaries and wages of persons in the State and to pre-



scribe conditions under which such assignments may be made.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

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MESSAGE FROM THE SENATE.

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Mr. Speaker:

The Senate has originated and passed the following bill:

S. 61. To amend section 3257 of the code of Alabama.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message, was read one time and referred to the appropriate committee as follows:  
Judiciary, S. 61.

H. 24. (With substitute.) To provide for civil service regulations for the officers and members of the police department of cities of twenty-five thousand or more population and to regulate and to prescribe the tenure and terms of office of said officers, and members employed in said police department of said cities.

Was taken up.

The question was upon the adoption of the substitute reported by the standing committee on Municipal Organization, said substitute being as follows:

Committee substitute for H. 24.

A bill to be entitled an act to provide for civil service regulations for the officers and members of the police department of the cities in the State of Alabama, having twenty-five thousand or more population and

to regulate and prescribe the tenure and terms of office of said officers and members employed in said police department of said cities.

*Be it enacted by the Legislature of Alabama as follows:*

Section 1. That in all cities in the State of Alabama having twenty-five thousand or more population, the police department and the officers and members of said department, shall be under and governed by civil service regulations and all persons who may be hereafter elected or appointed as officers or members of said department, or who may be hereafter employed in said department, shall thereafter remain and continue in their respective employment and offices as such municipal officers and employees of said cities during the term for which they were respectively elected and during good behavior, efficiency and obedience to such reasonable rules and regulations as may be from time to time prescribed by the proper and legal authority for the government of said police department, provided nothing herein contained shall be construed to prevent or preclude any officer or member of said police department from being removed for cause in the manner hereinafter prescribed or from being promoted or appointed or elected to a higher or better position in said department and the decision in any such case by the governing body of said city shall be final. The city council, commission, board or other governing body of such cities shall have authority and is hereby vested with the power to prescribe, adopt and enforce such reasonable rules and regulations for the government and control of the police department of such cities as they may deem meet and proper and may fix and prescribe qualifications for the officers and members of said department. It is expressly provided that nothing in this act shall prevent the governing body of said city, to reduce the police force of said city whenever such governing body shall deem it advisable to do so and this provision shall apply to a reduction in the number of officers or patrolmen or other parties connected with the police department directly or indirectly.

Section 2. That no officer or member of the police department or person employed in said department, in cities designated in the first section of this act, after his election to or employment in said department, shall be removed or dropped from office or employment in said police department, or from the police force of any such city, for political reasons, or for any cause other than misconduct, incapacity, inefficiency, insubordination, or disobedience to such just and reasonable rules and regulations as are established or may be hereafter prescribed and established for the management and government of said police department, provided this section shall not be construed as prohibiting the suspension of any officer or member of said police department, by the proper officer, council, commission, or board duly authorized to so suspend, pending the hearing of charges preferred against such officer or employee.

Section 3. That no officer or member of the police department or person employed in said department, in cities designated in section one of this act, shall be removed or discharged from office or employment therein during the terms for which they shall have been respectively elected, except upon some one or all of the grounds for such removal specified in section two of this act, and then only after the charge or charges shall have been preferred in writing against any such officer, member or employee, signed by the person making such charge or charges, and filed with the council, commission, board or other body having jurisdiction and authority to hear and determine said charges and to pass judgment thereon.

Any and all charges which may be preferred and filed against any such officer, member or employee, shall be heard, tried and determined and judgment rendered thereon, by the council, commission, board or other governing body having by law the government and charge of the police department of such city under such rules and regulations as may be from time to time fixed and prescribed, it being intended hereby to give every person against whom charges for any, cause may be pre-

ferred and filed under this act, a fair and impartial trial upon said charges and every reasonable opportunity to defend against same. If upon the trial and hearing of any charge preferred against any such officer, member or employee of said police department, said charge is sustained and a judgment of guilty rendered thereon, the council, commission, board or other governing body conducting and hearing said trial shall have the power and authority to remove or discharge said officer, member or employee from his said office or employment and thereupon the compensation or salary of such officer, member or employee shall cease, provided that said council, commission, board or other governing body, if deemed to be to the best interest of the department, may suspend such officer, member or employee from office or employment for not more than ninety days.

Section 4. That all laws and parts of laws, general, special and local in conflict with any of the provisions of this act, are hereby repealed.

And the substitute was adopted.

Yeas, 54; nays, 1.

### Yeas:

Messrs:—

Avery	Helms	Mathews
Barnard	Hood	Merrill
Bell (Autauga)	Jackson	Merritt
Brown (Pike)	James	Milner
Burton	Jenkins (Baldwin)	Molton
Bush	Jenkins (Bullock)	McCurdy
Capps	Johnson (Clarke)	McDonald
Carroll	Johnson (Marshall)	McGowen
Chamberlain	Judge	O'Neill
Cranford	Knight	Pegram
Darden	Lane	Pitts
Eastis	Lavender	Preston
Edmonds	Lawson	Quin
Fuquay	Letson	Ramsey
Gewin	Lumpkin	Richeson
Greene	Martin (Jackson)	Roberson

Rylance  
Strickland

Sullivan  
Thomas

Walden  
Wilhite

—54

Nay:  
Mr. Waddell.

—1

And the bill:

H. 24. To provide for civil service regulations for the officers and members of the police department of cities of twenty-five thousand or more population and to regulate and prescribe the tenure and terms of office of said officers, and members employed in said police department of said cities.

As amended, was read a third time at length and passed.

Yeas, 61; nays, 0.

Yeas:

Messrs:—

Speaker	James	McDonald
Acker	Jenkins (Baldwin)	O'Neill
Arnold	Jenkins (Bullock)	Pharr
Barnard	Johnson (Clarke)	Pegram
Bell (Autauga)	Judge	Pitts
Bell (Pickens)	Knight	Preston
Brown (Pike)	Lane	Pruett
Brown (Tuscaloosa)	Lavender	Quinn
Burton	Lawson	Ramsey
Bush	Lee	Rylance
Capps	Letson	Stollenwerck
Carroll	Lumpkin	Sturdivant
Chamberlain	Martin (Calhoun)	Sullivan
Cranford	Martin (Jackson)	Thomas
Darden	Mathews	Waddell
Eastis	Merrill	Waits
Edmonds	Merritt	Walden
Griffith	Milner	Wheless
Helms	Molton	Wilhite
Hood	McCurdy	Williams
Jackson		

—61

H. 751. To amend section 1261 of the code of 1907.  
Was read a third time at length and passed.  
Yeas, 55; nays, 0.

Yeas:

Messrs:—

Speaker	Helms	Percy
Acker	Hood	Pitts
Barnard	Horton	Popwell
Brewer	Huddleston	Quin
Brindley	James	Rylance
Boswell	Jenkins (Bullock)	Smith
Brown (Pike)	Jones	Strickland
Burton	Judge	Stollenwerck
Bush	Knight	Sturdivant
Capps	Lane	Sullivan
Carroll	Lee	Thomas
Chamberlain	Letson	Twombly
Cranford	Martin (Calhoun)	Waddell
Darden	Merritt	Waits
Eastis	Molton	Walden
Edmonds	McDonald	Whately
Fowlkes	Nicholson	Wheeless
Gewin	Pegram	Wilhite
Greene		

—55

#### RECESS.

The hour of five-thirty having arrived, the House recessed until eight o'clock.

#### NIGHT SESSION.

The hour of eight o'clock having arrived, The House reconvened.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 240. To regulate the disposition and disbursement of witness fees collected by clerks of courts of

record and which fees have not been paid out to the parties entitled thereto within two years after collected by the clerk.

H. 582. To alter, to re-arrange the boundaries of the town of Athens, Limestone county, Alabama.

H. 621. In aid of the public school system of Mobile county under the administration of the board known as the Mobile school commissioners.

H. 622. To authorize the board known as the Mobile school commissioners to become indebted in anticipation of income, for maintenance and operation of schools of Mobile county.

H. 623. To authorize and empower the city of Mobile and the county of Mobile to make appropriations from funds in their respective treasuries to be paid to the Mobile school commissioners for the erection and equipment of a public high school building and other public school buildings in the city of Mobile and county of Mobile.

H. 250. To amend section 6215 of the code of Alabama of 1907.

H. 144. To create and establish a State board of Mediation and Arbitration and providing for the submission of labor controversies between employers and employees to local arbitrators and to the State Board of Mediation and Arbitration; defining the duties of said boards, fixing their powers, providing for their appointment and selection, their compensation and for the compensation of witnesses, the terms of office of the members of the State Board and for the manner of payment of costs incurred.

H. 363. To amend section 2846 of the code of Alabama of 1907.

H. 300. To authorize the reformation of deeds, mortgages and other conveyances of land, containing an erroneous description at the suit of any person claiming title directly or remotely from the grantee in such deed, mortgage or other conveyance.

H. 619. To amend section 1357 of the code of Alabama of 1907.

H. 207. To amend section 6878 of the code of Alabama of 1907.

H. 184. To prohibit the transportation of cotton seed and unginned cotton from any county in Alabama where the cotton boll weevil is known to exist to any county in Alabama where the cotton boll weevil is not known to exist, and to provide for the condemnation and destruction of any cotton or cotton seed so shipped.

H. 269. To better provide for reports of deaths, and to prescribe penalties for failure to comply with the provisions of this act.

J. A. Kyle,  
Secretary.

S. 409. To fix the time for holding courts of record having jurisdiction to determine civil causes at common law, in counties which have a population of two hundred thousand people, or more, according to any Federal census which has already been taken, or which may hereafter be taken, and to enlarge the power of such courts to try and determine causes therein.

Was read a third time at length and passed.

Yeas, 53; nays, 0.

Yeas:

Messrs:—

Speaker	Gewin	Martin (Calhoun)
Acker	Greene	Merritt
Avery	Helms	Milner
Barnard	Hood	McDonald
Bell (Autauga)	Jackson	McGowen
Brewer	James	Overton
Brindley	Johnson (Clarke)	Percy
Boswell	Johuson (Marshall)	Pittman
Brown (Tuscaloosa)	Judge	Pitts
Burton	Kilburn	Popwell
Carroll	Knight	Quinn
Chamberlain	Lawson	Ramsey
Cranford	Lee	Roberson
Eastis	Letson	Rylance
Edmonds	Lumpkin	



Strickland	Thomas	Walker
Sturdivant	Waites	Wilhite
Sullivan	Walden	Wright

—53

H. 702. To authorize and require the clerk of the criminal court of Jefferson county to make and keep a record of all affidavits and warrants returnable to said court for trial; to fix fees for such services and to authorize trials upon certified copies of affidavits lost, destroyed or mislaid.

Was read a third time at length and passed.

Yeas, 59; nays, 0.

Yeas:

Messrs:—

Speaker	James	Pharr
Acker	Johnson (Clarke)	Pegram
Arnold	Johnson (Marshall)	Percy
Avery	Judge	Pitts
Barnard	Kilburn	Popwell
Bell (Autauga)	Knight	Preston
Brewer	Lane	Quinn
Brown (Tuscaloosa)	Lawson	Ramsey
Burton	Lee	Richeson
Carroll	Letson	Rylance
Chamberlain	Lloyd	Strickland
Cranford	Lumpkin	Sturdivant
Eastis	Martin (Calhoun)	Sullivan
Edmonds	Martin (Jackson)	Thomas
Gewin	Mastin	Waits
Greene	Merritt	Walden
Griffith	Milner	Walker
Helms	McDonald	Wilhite
Hood	McGowen	Wright
Jackson	O'Neill	

—59

S. 413. To vacate certain streets in the town of Marion.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

## Yeas:

Messrs:—

Speaker	Greene	McCurdy
Acker	Helms	McDonald
Arnold	Hollis (Walker)	Nicholson
Avery	Hood	Overton
Barnard	Horton	Pegram
Bell (Autauga)	James	Percy
Bell (Pickens)	Jenkins (Baldwin)	Pitts
Boswell	Johnson (Clarke)	Preston
Brown (Pike)	Johnson (Marshall)	Quin
Bush	Jones	Richeson
Butt	Kilburn	Rylance
Capps	Lane	Sanders
Carroll	Lavender	Strickland
Chamberlain	Lawson	Stollenwerck
Cranford	Lee	Sullivan
Darden	Letson	Thomas
Eastis	Martin (Jackson)	Waddell
Flanagan	Mathews	Waits
Fowlkes	Merrill	Walden
Gewin	Milner	Whatley

—60

H. 666. To establish an inferior court in precinct 29 in Jefferson county, Alabama, in lieu of all justices of the peace and notaries public with powers of justices of the peace in said precinct and to define the jurisdiction and powers of said court and the judge thereof.

Was read a third time at length and passed.

Yeas, 57; nays, 0.

## Yeas:

Messrs:—

Speaker	Boswell	Eastis
Acker	Brown (Tuscaloosa)	Fuquay
Arnold	Bush	Gewin
Avery	Carroll	Greene
Barnard	Chamberlain	Helms
Bell (Pickens)	Cranford	Hood
		James

Jenkins (Baldwin)	Merritt	Roberson
Jenkins (Bullock)	McDonald	Rylance
Johnson (Clarke)	McGowen	Strickland
Johnson (Marshall)	O'Neill	Sturdivant
Judge	Overton	Sullivan
Kilburn	Pharr	Thomas
Knight	Percy	Waddell
Lawson	Pitts	Waits
Lee	Popwell	Walden
Letson	Quinn	Walker
Lumpkin	Ramsey	Wilhite
Martin (Calhoun)	Rice	Williams
Martin (Jackson)		Wright

—57

S. 424. To authorize and direct the probate judge of Autauga county, Alabama, to hold regular terms of the county court of said county for the trial of misdemeanors as provided by article 3 of chapter 198 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 54; nays, 0.

Yeas:

Messrs:—

Speaker	Gewin	Letson
Acker	Greene	Lumpkin
Arnold	Helms	Martin (Calhoun)
Barnard	Hood	Martin (Jackson)
Bell (Autauga)	Jackson	McGowen
Bell (Pickens)	Jenkins (Baldwin)	Nicholson
Brindley	Johnson (Clarke)	O'Neill
Boswell	Johnson (Marshall)	Pharr
Brown (Tuscaloosa)	Jones	Pitts
Bush	Judge	Popwell
Carroll	Kilburn	Pruett
Cranford	Knight	Quinn
Darden	Lavender	Ramsey
Eastis	Lawson	Rice
Fuquay	Lee	Roberson

Rylance	Sullivan	Walden
Strickland	Thomas	Wilhite
Sturdivant	Waddell	Williams

—54

H. 714. To allow the constable in beat 13, of Walker county, Alabama, to appoint deputies.

Was read a third time at length and passed.

Yeas, 55; nays, 0.

Yeas:

Messrs:—

Speaker	Gewin	Martin (Calhoun)
Acker	Greene	Martin (Jackson)
Avery	Griffith	Nicholson
Barnard	Helms	Overton
Bell (Autauga)	Hollis (Walker)	Percy
Bell (Pickens)	Hood	Pitts
Brewer	Huddleston	Quinn
Boswell	Jackson	Rice
Brown (Pike)	James	Roberson
Brown (Tuscaloosa)	Jenkins (Bullock)	Strickland
Burton	Johnson (Clarke)	Sullivan
Bush	Johnson (Marshall)	Twombly
Carroll	Judge	Waddell
Chamberlain	Kilburn	Waits
Cranford	Lavender	Walden
Darden	Lee	Wilhite
Eastis	Letson	Williams
Edmonds	Lumpkin	Wright
Fuquay		

—55

H. 762. To establish an inferior court in the town of Attalla, Alabama, in precinct No. 17 in lieu of all justices of the peace and notaries public with powers of justices of the peace therein, and to define the powers and duties of said court and the judge thereof.

Was read a third time at length and passed.

Yeas, 55; nays, 0.

Yeas:

Messrs:—

Speaker	Fuquay	Martin (Calhoun)
Acker	Gewin	Martin (Jackson)
Avery	Greene	Milner
Barnard	Hood	McGowen
Bell (Autauga)	Horton	Nicholson
Bell (Pickens)	Huddleston	Percy
Brindley	James	Pitts
Boswell	Jenkins (Bullock)	Popwell
Brown (Pike)	Johnson (Clarke)	Quin
Brown (Tuscaloosa)	Johnson (Marshall)	Strickland
Burton	Jones	Sturdivant
Bush	Kilburn	Sullivan
Butt	Knight	Waddell
Carroll	Lavender	Waits
Chamberlain	Lawson	Walden
Cranford	Lee	Wilhite
Darden	Letson	Williams
Eastis	Lumpkin	Wright
Edmonds		

—55

H. 766. To establish an inferior civil court in lieu of justices of the peace for all precincts lying within or partly within the city of Mobile.

Was read a third time at length and passed.

Yeas, 57; nays, 0.

Yeas:

Messrs:—

Speaker	Carroll	Horton
Avery	Chamberlain	Jackson
Barnard	Cranford	Johnson (Clarke)
Bell (Autauga)	Darden	Johnson (Marshall)
Bell (Pickens)	Eastis	Jones
Boswell	Edmonds	Kilburn
Brown (Pike)	Fuquay	Knight
Brown (Tuscaloosa)	Greene	Lavender
Burton	Griffith	Lawson
Bush	Helms	Lee
Butt	Hood	Letson

Lumpkin	Pitts	Sturdivant
Martin (Jackson)	Popwell	Sullivan
Merritt	Quinn	Waddell
McDonald	Ramsey	Waits
Nicholson	Roberson	Walden
O'Neill	Rylance	Wheeless
Overton	Strickland	Wilhite
Percy		Wright

—57.

H. 634. (With substitute.) To amend an act entitled an act for the improvement of the public roads of Tuscaloosa county, approved Feb. 26th, 1907, by amending section 2 of said act and by repealing section 12 of said act and by adding sections 14 and 15 thereto.

The question was upon adoption of the substitute offered by the standing committee on Public Roads and Highways; said substitute being as follows:

Substitute for 634.

A bill to be entitled an act to amend an act entitled an act for the improvement of the roads of Tuscaloosa county, approved February 26th, 1907, by amending sections 2 and 5 of said act, and by repealing section 12 of said act, and by adding a section to be designated as section 15 to make it unlawful for any person to deaden or girdle any tree on or near a public road, or to leave standing on or near a public road any tree which has been deadened or girdled by any person who owns or has control of the land on which such trees may stand, and to prescribe the punishment for violations of this section.

*Be it enacted by the Legislature of Alabama, as follows:*

Section 1. That section 2 of an act entitled an act for the improvement of the public roads of Tuscaloosa county, Alabama, approved February 26th, 1907, be and the same is hereby amended so as to read as follows:

"Section 2. That it shall be the duty of the board of public works to each year ascertain the names of all inhabitants of said county, who are liable for road duty, arranged according to the election precinct in which they live; and to deliver to the tax collector of the county alphabetically arranged, the names of all of

them except those who are appointed overseers, and the tax collector shall thereupon assess a road tax of \$3.50 against each one so liable to road duty, which shall be paid on the first day of March of each year, for the current year, and a receipt therefor shall be given by the tax collector to whom a suitable book of road tax receipts shall be furnished by the county. The tax collector shall immediately after the first of March of each

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year return to the board of public works of said county the names of all persons liable to road duty who shall not have paid the road tax, and the board of public works shall thereupon apportion all such as have not paid their road tax to the several precincts into which the road may be divided. The board of public works shall appoint overseers on all such portions of the road as are not worked by contract and may let any portions of said roads to be worked, improved or opened by contract to the lowest responsible bidder, but they shall in each case require of each contractor a bond in amount not less than the contract price, with good and sufficient sureties to be approved by the chairman of the board payable to the county, and conditioned to faithfully perform such contract. Such contract shall specify the grades on which said roads are to be worked, the method of gravelling, cherting, macadamizing and such other stipulations as the board may see fit to insert. At least twenty per centum of the contract price shall be retained until the completion of the work, and if the contractor fails within the time prescribed by the contract, or any extension thereof granted by the board, to do work in accordance with the terms of the contract, to complete the said work as required by the contract, then the retained percentage shall not be paid to the contractor, but shall be retained in the road and bridge fund. The said board may appoint overseers on all portions of the road that are not worked by contract, and persons who have been apportioned to the road precincts of the several overseers shall be liable to work under said overseer on the public roads of the county, exclusive of the time to open new roads, not less than eight nor more than ten days in any one year.

All persons liable to road duty, who are appointed to such portions of the road as are worked by contract, shall be required to work under the contractor for a like number of days at the time herein fixed for working public roads.

The first Monday in June, 1911, and the first Monday in April in each year thereafter shall be the day which the overseers shall begin the work on the public roads of the county, and it shall be the duty of every person liable to road duty who has not paid the road tax prior to that date to report at 8 o'clock a. m. on the said date of each year, at the voting place of the beat in which he resides for road duty. It shall be the duty of the road overseers in each beat when the roads are not worked by contract, and the contractor in those beats worked by contract, to meet the persons liable for road duty at the voting places and there take charge of those apportioned to respective portions of the road and proceed immediately to their road and begin work. In beats where there is more than one voting place, it should be a compliance with this act for a person liable to road duty to report as required by this act at any one of the several voting places in his beat, and it shall be the duty of the board of public works to appoint as many overseers for each road precinct as there are voting places in the beat where such precincts lie, designating to each overseer to which voting place he shall report; and in those beats worked by contract it shall be the duty of the contractor to provide as many foremen at each voting place as there are road precincts to be worked. It shall be the duty of the road overseer and the contractors in charge of those liable to road duty to work at least two days beginning on the first Monday in June in 1911, and on the first Monday in April of each year thereafter, and they may then adjourn the work to any future fixed time to be taken up at the place where they adjourned from, provided they shall work not less than 8, nor more than ten, days between the first Monday of April and the first day of December of each year. Any person liable to road duty and who has not paid the road tax prior to the first Monday in



April of any year, and who without a sufficient excuse shall fail or refuse to report at his voting place on the first Monday in June, 1911, and on the first Monday in April of each year thereafter of such year for road duty, or fails to report at any adjourned time and place as required by this act must on conviction be fined not less than \$3.50 nor more than \$10.00 for each day for which he is so in default, and may also be imprisoned in the county jail, or put to hard labor for the county for not more than twenty days. All fines collected by any court on conviction under this act shall be paid to the county treasurer and carried into the road and bridge fund. The board of public works shall make contracts with the contractors for the compensation to be paid to the county for all such hands apportioned to them. Any person who is liable to work on the public roads of said county shall be exempt from all road duty, if he shall pay to tax collector of said county, on or before the first day of March, the sum of \$3.50 for the benefit of said road and bridge fund for the current year."

Section 2. Be it further enacted, That section 5 of said act be, and the same is hereby, amended so as to read as follows:

"Section 5. That all male inhabitants of the county of Tuscaloosa over the age of eighteen and under the age of forty-five years shall be liable for road duty, except as follows:

All those who have lost an arm or a leg.

All those who are rendered, by nature or disease, incapable of hard labor who shall procure a certificate of such incapacity from the county board of health and shall file the same with the board of public works on or before the first day of February of each year, provided that if the disability is permanent and it is so certified one filing of the same shall be sufficient.

All bona fide residents of the incorporated cities and towns of said county.

All the employees of the Alabama insane hospital, the university of Alabama, and the United States government, provided, however, that none of said employees

shall be exempt unless he shall on or before the first day of February of each year file with the board of public works a certificate from the proper officer of said hospital, university or government, stating that he is an employee of said institution or government."

Section 3. That section 12 of said act be, and the same is hereby, repealed.

Section 4. That said act be, and the same is hereby, amended by adding thereto the following section, to be designated as section 15:

"Section 15. That it shall be unlawful for any person to deaden or girdle any tree on or near a public road, or to leave standing on or near a public road, any tree which has been deadened or girdled on any land owned by him or under his control that is liable to fall in or obstruct a public road, and any person who permits any tree which has been so deadened or girdled on land owned or controlled by him and which has fallen into any public road to remain therein, after having been notified by any overseer of the county, or by any person appointed by the board of public works to give such notice to remove the same, shall be guilty of a misdemeanor and on conviction shall be fined not less than twice the cost of removing such obstruction."

And the substitute was adopted.

Yeas, 55; nays, 0

Yeas:

Messrs:—

Speaker	Darden	Jones
Avery	Fuquay	Judge
Barnard	Gewin	Kilburn
Bell (Autauga)	Griffith	Lane
Brown (Pike)	Helms	Lavender
Brown (Tuscaloosa)	Hood	Lawson
Barton	Horton	Lee
Bush	Jackson	Letson
Butt	James	Lloyd
Carroll	Jenkins (Bullock)	Lumpkin
Chamberlain	Johnson (Clarke)	Martin (Jackson)
Cranford	Johnson (Marshall)	Mastin

Merritt	Rice	Waddell
Milner	Rylance	Waits
O'Neill	Smith	Walden
Overton	Strickland	Walker
Percy	Sturdivant	Wilhite
Pitts	Sullivan	Wright
Popwell		

And the bill:

H. 634. To amend an act entitled an act for the improvement of the public roads of Tuscaloosa county, approved Feb. 26th, 1907, by amending section 2 of said act and by repealing section 12 of said act and by adding sections 14 and 15 thereto.

As amended by the substitute, was read a third time at length and passed.

Yeas, 57; nays, 0.

Yeas:

Messrs:—

Speaker	Helms	Merritt
Acker	Hood	McGowen
Avery	Horton	O'Neill
Barnard	Huddleston	Overton
Bell (Autauga)	James	Percy
Brewer	Johnson (Clarke)	Pitts
Boswell	Johnson (Marshall)	Popwell
Brown (Pike)	Jones	Quinn
Brown (Tuscaloosa)	Kilburn	Ramsey
Bush	Knight	Rylance
Butt	Lane	Strickland
Carroll	Lavender	Stollenwerck
Chamberlain	Lee	Sturdivant
Darden	Letson	Sullivan
Doswell	Lloyd	Twombly
Eastis	Lumpkin	Waddell
Edmonds	Martin (Calhoun)	Waits
Fuquay	Martin (Jackson)	Walden
Griffith	Mastin	Wright

H. 331. (With amendment.) For the relief of Mrs. Mary Sasser, widow of J. J. Sasser, an ex-Confederate soldier who was a pensioner of the State of Alabama, Chambers county, numbered 3286 and died March 23rd, 1909, in accordance with an act approved February 10th, 1899, for the relief of needy Confederate soldiers and sailors residents of Alabama and their widows, requiring the State auditor to draw his warrant on the State treasurer payable to Mrs. Mary Sasser for the various amounts to be disbursed quarterly to pensioners of the fourth class and also requiring the judge of probate to place her name on the pension roll of pensioners of Chambers county.

Was taken up.

The question was upon the adoption of the amendment reported by the standing committee on Appropriations, said amendment being as follows:

Amend section 1 by adding:

Provided, the sum to be paid out by authority of this act shall not exceed \$43.10.

And the amendment was adopted.

Yeas, 64; nays, 0.

Yeas:

Messrs:—

Speaker	Darden	Johnson (Marshall)
Acker	Eastis	Jones
Arnold	Edmonds	Knight
Avery	Fletcher	Letson
Barnard	Fuquay	Lloyd
Bell (Autauga)	Gewin	Lumpkin
Bell (Pickens)	Greene	Martin (Calhoun)
Brewer	Griffith	Martin (Jackson)
Brown (Pike)	Helms	Merritt
Brown (Tuscaloosa)	Hood	Milner
Burton	Horton	O'Neill
Bush	Huddleston	Percy
Butt	Jackson	Pitts
Carroll	James	Popwell
Chamberlain	Jenkins (Bullock)	Quinn
Cranford	Johnson (Clarke)	Ramsey
		Rice

Roberson	Sturdivant	Waits
Rylance	Sullivan	Walden
Smith	Thomas	Walker
Strickland	Twombly	Williams
Stollenwerck	Waddell	Wright

—64

## And the bill:

H. 331. For the relief of Mrs. Mary Sasser, widow of J. J. Sasser, an ex-Confederate soldier who was a pensioner of the State of Alabama, Chambers County, numbered 3286 and died March 23rd, 1909, in accordance with an Act approved February 10th, 1899, for the relief of needy Confederate soldiers and sailors residents of Alabama and their widows, requiring the State Auditor to draw his warrant on the State Treasurer payable to Mrs. Mary Sasser for the various amounts to be disbursed quarterly to pensioners of the fourth class and also requiring the Judge of Probate to place her name on the pension roll of pensioners of Chambers County.

As amended, was read a third time at length and passed.

Yeas, 64; nays, 0.

## Yeas:

Messrs:—

Speaker	Cranford	Jenkins (Bullock)
Acker	Darden	Johnson (Clarke)
Arnold	Eastis	Johnson (Marshall)
Avery	Edmonds	Jones
Barnard	Fletcher	Knight
Bell (Autauga)	Fuquay	Letson
Bell (Pickens)	Gewin	Lloyd
Brewer	Greene	Lumpkin
Brown (Pike)	Griffith	Martin (Calhoun)
Brown (Tuscaloosa)	Helms	Martin (Jackson)
Burton	Hood	Merritt
Bush	Horton	Milner
Butt	Huddleston	O'Neill
Carroll	Jackson	Percy
Chamberlain	James	Pitts

Popwell	Strickland	Waddell
Quinn	Stollenwerck	Waites
Ramsey	Sturdivant	Walden
Rice	Sullivan	Walker
Roberson	Thomas	Williams
Rylance	Twombly	Wright
Smith		

—64

H. 791. To amend section 1359 of the code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 56; nays, 0.

Yeas:

Messrs:—

Speaker	Greene	McGowen
Acker	Griffith	Overton
Arnold	Helms	Pharr
Barnard	Hood	Pitts
Bell (Autauga)	Huddleston	Popwell
Bell (Pickens)	Jackson	Quin
Brewer	Jenkins (Bullock)	Ramsey
Boswell	Johnson (Marshall)	Rylance
Brown (Pike)	Judge	Smith
Brown (Tuscaloosa)	Lavender	Strickland
Bush	Lawson	Stollenwerck
Butt	Lee	Sturdivant
Carroll	Letson	Sullivan
Chamberlain	Lloyd	Thomas
Cranford	Lumpkin	Waits
Darden	Martin (Calhoun)	Walden
Eastis	Martin (Jackson)	Walker
Edmonds	Merritt	Wilhite
Fuquay	Milner	

—56

H. 726. To require the tax collector of Montgomery county to keep a record showing in abstract form the names of all registered voters who pay their poll tax, beginning with the year 1901 and each subsequent year, together with their ages; and to provide compensation therefor to be paid out of the county treasury.

Was read a third time at length and passed.  
Yeas, 62; nays, 0.

Yeas:

Messrs:—

Speaker	Griffith	Merritt
Acker	Helms	McDonald
Arnold	Hood	McGowen
Avery	Horton	O'Neill
Barnard	Jackson	Overton
Bell (Autauga)	James	Pharr
Brewer	Jenkins (Baldwin)	Percy
Brown (Pike)	Johnson (Clarke)	Pitts
Brown (Tuscaloosa)	Johnson (Marshall)	Popwell
Burton	Jones	Quinn
Bush	Judge	Ramsey
Butt	Kilburn	Strickland
Carroll	Lane	Stollenwerck
Chamberlain	Lavender	Sturdivant
Cranford	Lawson	Sullivan
Darden	Lee	Twombly
Eastis	Letson	Waddell
Edmonds	Lloyd	Waites
Fuquay	Lumpkin	Walden
Gewin	Martin (Calhoun)	Walker
Greene	Martin (Jackson)	

—62

H. 768. To amend section 3 of the act to establish a high school for Dale county to be located at Ozark, Alabama, approved August 9th, 1907.

Was read a third time at length and passed  
Yeas, 64; nays, 0.

Yeas:

Messrs:—

Speaker	Bell (Pickens)	Burton
Acker	Brewer	Bush
Arnold	Brindley	Carroll
Avery	Boswell	Chamberlain
Barnard	Brown (Pike)	Cranford
Bell (Autauga)	Brown (Tuscaloosa)	Darden

Eastis	Lee	Popwell
Edmonds	Letson	Quinn
Fuquay	Lloyd	Ramsey
Gewin	Martin (Calhoun)	Rice
Greene	Martin (Jackson)	Rylance
Griffith	Merritt	Smith
Helms	Milner	Strickland
Hood	McDonald	Stollenwerck
Horton	McGowen	Sullivan
Jackson	Nicholson	Thomas
Johnson (Clarke)	O'Neill	Twombly
Johnson (Marshall)	Overton	Waddell
Jones	Parks	Waits
Judge	Percy	Walden
Lavender	Pitts	Wright
Lawson		

—64

S. 277. To amend an act entitled an act to provide a better system of public roads for Blount county, approved Feb. 27th, 1907.

Was read a third time at length and passed.

Yeas, 57; nays, 0.

Yeas:

Messrs:—

Speaker	Gewin	Martin (Jackson)
Acker	Greene	McDonald
Barnard	Helms	McGowen
Bell (Pickens)	Hood	O'Neill
Boswell	Horton	Pharr
Brown (Tuscaloosa)	Huddleston	Pitts
Burton	Jackson	Popwell
Bush	James	Quinn
Butt	Jenkins (Bullock)	Ramsey
Chamberlain	Johnson (Clarke)	Rice
Cranford	Johnson (Marshall)	Richeson
Darden	Jones	Rylance
Eastis	Kilburn	Smith
Edmonds	Lane	Strickland
Fletcher	Lawson	Stollenwerck
Fuquay	Letson	Sturdivant



Sullivan	Waddell	Walker
Thomas	Waits	Wilhite
Twombly	Walden	Wright

—57

H. 662. To alter or re-arrange the boundary lines of the city of Bessemer, Alabama.

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Was read a third time at length and passed.

Yeas, 55; nays, 0.

Yeas:

Messrs:—

Speaker	Huddleston	Rice
Acker	James	Richeson
Barnard	Jenkins (Baldwin)	Roberson
Boswell	Jenkins (Bullock)	Rylance
Brown (Tuscaloosa)	Johnson (Marshall)	Smith
Burton	Jones	Strickland
Bush	Lee	Stollenwerck
Butt	Letson	Sturdivant
Carroll	Lloyd	Sullivan
Chamberlain	Lumpkin	Thomas
Cranford	Milner	Twombly
Darden	McDonald	Waddell
Eastis	McGowen	Waits
Edmonds	Overton	Walden
Fuquay	Pharr	Walker
Greene	Pitts	Wilhite
Griffith	Quinn	Williams
Helms	Ramsey	Wright
Horton		

—55

H. 786. To repeal an act to reduce and regulate the payments of ex-officio fees so far as it relates to Lamar county, Alabama, approved on February 21st, 1903.

Was read a third time at length and passed.

Yeas, 58; nays, 0.

## Yeas:

## Messrs:—

Speaker	Hood	Overton
Acker	Horton	Pharr
Barnard	Huddleston	Percy
Bell (Autauga)	Jackson	Popwell
Brindley	James	Quinn
Brown (Tuscaloosa)	Johnson (Clarke)	Ramsey
Burton	Lane	Richeson
Bush	Lawson	Rylance
Butt	Lee	Smith
Carroll	Letson	Strickland
Chamberlain	Lloyd	Sturdivant
Cranford	Martin (Calhoun)	Sullivan
Darden	Martin (Jackson)	Twombly
Eastis	Mastin	Waddell
Edmonds	Merritt	Waits
Fuquay	Milner	Walden
Gewin	McDonald	Wilhite
Greene	McGowen	Williams
Griffith	O'Neill	Wright
Helms		

—58

H. 789. To repeal an act approved on January 30th, 1891, to reduce the fees of the probate judge of Lamar county in certain cases.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

## Yeas:

## Messrs:—

Speaker	Bush	Gewin
Acker	Butt	Helms
Barnard	Carroll	Hood
Bell (Autauga)	Chamberlain	Horton
Brewer	Cranford	Huddleston
Brindley	Darden	Jackson
Boswell	Eastis	James
Brown (Tuscaloosa)	Edmonds	Jenkins (Baldwin)
Burton	Fuquay	Jenkins (Bullock)

Johnson (Clarke)	O'Neill	Sturdivant
Jones	Overton	Sullivan
Lawson	Pharr	Thomas
Lee	Popwell	Twombly.
Lloyd	Quinn	Waddell
Martin (Calhoun)	Ramsey	Waits
Martin (Jackson)	Rice	Walden
Milner	Richeson	Walker
McDonald	Smith	Whatley
McGowen	Strickland	Williams
Nicholson	Stollenwerck	Wright

—60

H. 750. To provide for the construction, repairing, working and maintaining the public roads and bridges of Franklin county.

Was read a third time at length and passed.

Yeas, 57; nays, 0.

Yeas:

Messrs:—

Speaker	Greene	O'Neill
Acker	Helms	Overton
Arnold	Hood	Pharr
Barnard	Huddleston	Pitts
Bell (Autauga)	James	Popwell
Bell (Pickens)	Jenkins (Bullock)	Pruett
Brewer	Johnson (Clarke)	Quin
Brindley	Johnson (Marshall)	Rice
Brown (Tuscaloosa)	Jones	Richeson
Burton	Knight	Rylance
Bush	Lane	Strickland
Butt	Lawson	Sullivan
Carroll	Lee	Twombly
Cranford	Letson	Waddell
Eastis	Lloyd	Waits
Edmonds	Martin (Calhoun)	Walker
Fletcher	Martin (Jackson)	Wilhite
Fuquay	Milner	Williams
Gewin	McGowen	Wright

—57

H. 736. To require the court of county commissioners of Crenshaw county to appropriate funds for the purchase of bloodhounds for the use of said county; to provide a place for the keeping of said bloodhounds and to provide for their maintenance.

Was read a third time at length and passed.

Yeas, 55; nays, 0.

Yeas:

Messrs:—

Speaker	James	Popwell
Acker	Jenkins (Bullock)	Quinn
Arnold	Johnson (Clarke)	Ramsey
Barnard	Johnson (Marshall)	Rice
Brewer	Jones	Richeson
Brindley	Knight	Rylance
Boswell	Lane	Smith
Burton	Lawson	Strickland
Bush	Lee	Stollenwerck
Carroll	Letson	Sturdivant
Chamberlain	Lloyd	Sullivan
Cranford	Martin (Calhoun)	Thomas
Doswell	Milner	Twombly
Edmonds	McDonald	Waddell
Fuquay	McGowen	Waits
Gewin	Nicholson	Walker
Helms	Overton	Wilhite
Horton	Pitts	Williams
		Wright

—55

H. 511. To establish an inferior court in precinct 42 in Jefferson county, Alabama, in lieu of all justices of the peace and notaries public with power of justice of the peace in said precinct and to define the jurisdiction and powers of said court and the judge thereof.

Was read a third time at length and passed.

Yeas, 58; nays, 0.

## Yeas:

Messrs:—

Speaker	Jackson	Pitts
Acker	Jenkins (Bullock)	Quin
Arnold	Johnson (Clarke)	Ramsey
Brewer	Jones	Rice
Brindley	Knight	Richeson
<del>Brown (Pascalsosa)</del>	<del>Larson</del>	<del>Balance</del>
Burton	Lee	Smith
Bush	Letson	Strickland
Chamberlain	Lloyd	Stollenwerck
Cranford	Martin (Calhoun)	Sturdivant
Darden	Martin (Jackson)	Sullivan
Doswell	Merritt	Thomas
Edmonds	Milner	Twombly
Fletcher	McDonald	Waddell
Gewin	McGowen	Waits
Griffith	Nicholson	Walden
Helms	O'Neill	Walker
Hood	Overton	Wilhite
Horton	Pharr	Williams
Huddleston		

—58

H. 371. To amend section 3229 of the code of Alabama.

Was taken up.

The following amendment was offered by Mr. Jenkins:

Amend House bill 371, as follows:

1st. By adding the name Washington, immediately after the name Monroe where Monroe occurs as one of the counties of the first circuit.

2nd. By inserting the word Baldwin before the word Butler, where the name of Butler appears therein as one of the counties of the second circuit.

3rd. In the paragraph relating to the counties as composing the 13th circuit, strike out the names Baldwin and Washington where they appear therein.

And the amendment was adopted.

Yeas, 58; nays, 0.

## Yeas:

## Messrs:—

Speaker	Jenkins (Bullock)	Pharr
Acker	Johnson (Clarke)	Popwell
Arnold	Johnson (Marshall)	Quinn
Barnard	Jones	Richeson
Boswell	Judge	Rylance
Burton	Knight	Smith
Bush	Lawson	Strickland
Carroll	Lee	Stollenwerck
Cranford	Letson	Sturdivant
Darden	Lloyd	Sullivan
Eastis	Martin (Calhoun)	Thomas
Edmonds	Martin	Twombly
Fuquay	Merritt	Waddell
Gewin	Milner	Waits
Helms	Mulkey	Walden
Hollis (Walker)	McGowen	Walker
Hood	McLendon	Wilhite
Horton	Nicholson	Williams
James	Overton	Wright
Jenkins (Baldwin)		

—58

And the bill:

H. 371. To amend section 3229 of the code of Alabama.

As amended was read a third time at length and passed.

Yeas, 54; nays, 0.

## Yeas:

## Messrs:—

Speaker	Chamberlain	Horton
Acker	Cranford	Jenkins (Baldwin)
Arnold	Darden	Jenkins (Bullock)
Barnard	Eastis	Johnson (Clarke)
Brewer	Edmonds	Johnson (Marshall)
Boswell	Fuquay	Jones
Burton	Gewin	Judge
Bush	Helms	Knight
Carroll	Hood	Lawson

Lee	Pharr	Sullivan
Letson	Popwell	Thomas
Lloyd	Quinn	Twombly
Martin (Calhoun)	Richeson	Waddell
Mastin	Rylance	Waits
Merritt	Smith	Walden
Milner	Strickland	Walker
McGowen	Stollenwerck	Wilhite
Nicholson	Sturdivant	Wright

—54

H. 432. To amend section 3232 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:—

Speaker	Jenkins (Baldwin)	Pharr
Acker	Jenkins (Bullock)	Popwell
Arnold	Johnson (Clarke)	Quinn
Barnard	Johnson (Marshall)	Ramsey
Bell (Autauga)	Jones	Rice
Brown (Tuscaloosa)	Judge	Richeson
Bush	Lane	Rylance
Butt	Lawson	Strickland
Carroll	Lee	Stollenwerck
Cranford	Letson	Sturdivant
Darden	Lloyd	Sullivan
Eastis	Martin (Calhoun)	Thomas
Edmonds	Martin (Jackson)	Twombly
Fuquay	Mastin	Waddell
Gewin	Merritt	Waits
Greene	McDonald	Walden
Helms	McGowen	Walker
Hood	Nicholson	Wilhite
Horton	O'Neill	Williams
James	Overton	Wright

—60

H. 785. To amend an Act entitled an Act to authorize and require the Commissioners Court of Lamar County to set apart and appropriate money from the general fund of said County, with which to pay and discharge certificates of State witnesses issued by the foreman of the Grand Jury and by the Clerk of the Circuit court of said county, fees, which by law, became a good claim against the fine and forfeiture fund of said County, after the approval of this Act, and to regulate the manner of said payments and fixing the amounts of said witness fees, approved December 3rd, 1896.

Was read a third time at length and passed.

Yeas, 55; nays, 0.

**Yeas:**

Messrs:—

Speaker	Johnson (Marshall)	Pharr
Acker	Judge	Popwell
Arnold	Knight	Quinn
Barnard	Lane	Ramsey
Bell (Autauga)	Lawson	Rice
Boswell	Lee	Richeson
Burton	Letson	Rylance
Bush	Lloyd	Smith
Butt	Martin (Calhoun)	Strickland
Cranford	Martin (Jackson)	Stollenwerck
Eastis	Mastin	Sturdivant
Edmonds	Merritt	Sullivan
Fuquay	Milner	Thomas
Gewin	McDonald	Waddell
Hood	McGowen	Waits
Horton	Nicholson	Willhite
James	O'Neill	Williams
Jenkins (Bullock)	Overton	Wright
Johnson (Clarke)		

—55

S. 369. To provide for the appointment by the sheriff of Montgomery county, Alabama, of an assistant night jailor, to fix his compensation and prescribe his duties.



Was read a third time at length and passed.  
Yeas, 63; nays, 0.

Yeas:

Messrs:—

Speaker	Hood	Nicholson
Acker	Horton	O'Neill
Arnold	James	Overton
Barnard	Jenkins (Baldwin)	Pharr
Bell (Autauga)	Jenkins (Bullock)	Percy
Brewer	Johnson (Clarke)	Popwell
Brindley	Johnson (Marshall)	Quin
Boswell	Jones	Ramsey
Brown (Tuscaloosa)	Judge	Rice
Burton	Knight	Richeson
Bush	Lane	Strickland
Butt	Lawson	Stollenwerck
Carroll	Lee	Sturdivant
Chamberlain	Letson	Thomas
Cranford	Lloyd	Twombly
Darden	Martin (Calhoun)	Waddell
Eastis	Martin (Jackson)	Waits
Edmonds	Merritt	Walden
Fuquay	Milner	Walker
Gewin	McDonald	Wilhite
Helms	McGowen	Wright

—63

H. 606. To establish an inferior court in precinct 9 in Jefferson county, Alabama, in lieu of all justices of the peace and notaries public with powers of justice of the peace in said precinct and to define the jurisdiction and powers of said court and the judge thereof.

Was read a third time at length and passed.

Yeas, 64; nays, 1.

Yeas:

Messrs:—

Speaker	Barnard	Brindley
Acker	Bell (Autauga)	Boswell
Arnold	Brewer	Brown (Tuscaloosa)

Burton	Judge	Percy
Bush	Knight	Popwell
Butt	Lane	Quinn
Carroll	Lawson	Ramsey
Chamberlain	Lee	Rice
Cranford	Letson	Richeson
Darden	Lloyd	Rylance
Eastis	Lumpkin	Stollenwerck
Edmonds	Martin (Calhoun)	Sturdivant
Fuquay	Martin (Jackson)	Sullivan
Gewin	Merritt	Thomas
Helms	Milner	Twombly
Hood	McDonald	Waddell
Horton	McGowen	Waits
Jenkins (Baldwin)	Nicholson	Walden
Jenkins (Bullock)	O'Neill	Walker
Johnson (Clarke)	Overton	Wilhite
Johnson (Marshall)	Pharr	Wright
Jones		

—64

Nay:

Mr. Mastin.

—1

Mr. Bush called up his motion to take from the adverse calendar, H. 237. The motion prevailed and the bill:

H. 237. To appropriate the two and three per cent funds in the treasury of Alabama to the Alabama, Tennessee and Northern Railroad Company.

Was read a second time and placed upon the regular calendar of the House.

H. 776. To repeal an act to prohibit and punish unlawfully and knowingly permitting live stock to run at large in stock law districts or territory in which stock are prohibited to run at large, approved August 19th, 1909, so far as it relates to Sumter county.

Was read a third time at length and passed.

Yeas, 63; nays, 0.

## Yeas:

Messrs:—

Speaker	Jenkins (Baldwin)	Pharr
Acker	Jenkins (Bullock)	Percy
Arnold	Johnson (Clarke)	Pitts
Barnard	Johnson (Marshall)	Popwell
Brewer	Jones	Quinn
Brindley	Judge	Ramsey
Boswell	Knight	Rice
Brown (Tuscaloosa)	Lane	Richeson
Burton	Lawson	Rylance
Bush	Lee	Strickland
Butt	Letson	Stollenwerck
Chamberlain	Lloyd	Sturdivant
Cranford	Martin (Calhoun)	Thomas
Eastis	Martin (Jackson)	Twombly
Edmonds	Mastin	Waddell
Fletcher	Merritt	Waits
Fuquay	McDonald	Walden
Gewin	McGowen	Walker
Helms	Nicholson	Wilhite
Hood	O'Neill	Williams
Horton	Overton	
James		

—63

H. 291. For the preservation, protection, development and improvement of the oyster reefs and beds in the waters of Alabama; for the preservation, protection, development, encouragement and improvement of the oyster, shrimp, terrapin, turtle and other sea food products industry in the State of Alabama; to provide for the establishment of a board of commissioner, to prescribe their powers and duties, to provide for their compensation, to establish, locate and provide for the furnishing of its office; to regulate the manner and time of thinking and catching oysters, shrimp, terrapin, turtle and other sea food products from the public waters and private bedding grounds of the State; to prescribe and regulate the measure of oysters bought and sold in the shell; to pre-

scribe license fees for boats engaged in taking and catching oysters, shrimp, terrapin, turtle and other sea food products; to fix and prescribe a tax upon oysters, shrimp, terrapin, turtle and other sea food products, canned, packed, shipped or sold raw or cooked; to provide for the officers, employees and agents of the commission, to prescribe their duties and powers and fix their compensation; to provide for the protection and patrol of the oyster grounds and public waters of the State; to provide for the leasing of water bottoms owned by the State; to fix penalties for the violation of the provisions of this act; to create a fund for monies arising under the provisions of this act for the purpose of defraying the expenses of the commission; to provide for obtaining twenty-five per cent of the shells produced by canning factories in the State, and generally to regulate and control the oyster, shrimp, terrapin, turtle, and other sea food products industry in the State and all matters connected therewith; to fix and prescribe a tax upon canning factories; and to fix and prescribe a privilege or business license or tax on all dealers in oysters, shrimp, terrapin, turtle and other sea food products and to provide for reports to be made to the commission by agent or representatives of transportation and express companies, and by all persons taking, catching or selling oysters, shrimp, terrapin, turtle and other sea food products.

Was read a third time at length and passed.

Yeas, 55; nays, 1.

# Yeas:

Messrs:—

Speaker	Lane	Horton
Acker	Cranford	Huddleston
Arnold	Darden	James
Avery	Edmonds	Jenkins (Bullock)
Barnard	Fuquay	Johnson (Clarke)
Bell (Autauga)	Gewin	Johnson (Marshall)
Brewer	Greene	Jones
Bush	Helms	Judge
Chamberlain	Hood	Kilburn

Lawson	Parks	Strickland
Lee	Pharr	Sturdivant
Letson	Popwell	Sullivan
Lloyd	Quinn	Twombly
Martin (Calhoun)	Ramsey	Waddell
Martin (Jackson)	Rice	Waites
<del>Miller</del>	<del>Richeson</del>	<del>Walker</del>
McGowen	Roberson	Wilhite
O'Neill	Smith	Williams
Overton		

—55

Nay:

Mr. Jenkins (Baldwin).

—1

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The President and presiding officer of the Senate having signed the following Senate bill:

S. 409. An act to fix the time for holding courts of record having jurisdiction to determine civil causes at common law, in counties which have a population of two hundred thousand people, or more, according to any Federal census which has already been taken, or which may hereafter be taken, and to enlarge the power of such courts to try and determine causes therein.

Your signature thereto is requested.

J. A. Kyle,  
Secretary.

## SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing message from the Senate.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment, proposed by his excellency, the governor to:

H. 323. To provide and create a commission form of municipal government and to establish same in all the cities of Alabama which now have or which may hereafter have, a population of as much as twenty-five thousand and less than fifty thousand people according to the last federal census, or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials and otherwise provide for the creation and maintenance of said commission form of government.

Yeas, 21; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill:

H. 301. To regulate and provide for the location of public schools in school districts in which are located a manufacturing plant or manufacturing plants, employing fifty or more school children within the school age, who are subject to the child labor law.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

On motion of Mr. Arnold, the House concurred in and adopted the Senate amendment to H. 301, said Senate amendment being as follows:

Amend section 1 of House bill 301, so as to read as follows:

~~Section 1. That it shall be the duty of any county~~  
board of education or the board of education of any town or city in which there is located one or more manufacturing plants employing fifty or more children within the school age, who are required by the child labor law to attend school for any certain length of time during the year to locate, or cause to be located a public school for the accomodation of the children within the school age employed by such manufacturing plant, or plants, and to apportion to the said school so located such proportion of the said school funds of said district as may be necessary to run the school or schools as nearly as practicable the same length of time as the other school or schools of the district are run, provided further in incorporated cities or towns in which two or more schools are maintained, that one or more of such schools may be designated by the proper school authorities as the school for the accomodation of the children within school age employed in such plant or plants.

Yeas, 59; nays, 0.

Yeas:

Messrs:—

Speaker	Butt	James
Acker	Carroll	Jenkins (Baldwin)
Arnold	Chamberlain	Johnson (Clarke)
Barnard	Cranford	Johnson (Marshall)
Bell (Autauga)	Darden	Jones
Brewer	Eastis	Judge
Brindley	Fletcher	Knight
Boswell	Fuquay	Lane
Burton	Helms	Letson
Bush	Hood	Lloyd

Lumpkin	Overton	Sturdivant
Martin (Calhoun)	Percy	Sullivan.
Martin (Jackson)	Popwell	Twombly
Mastin	Quinn	Waddell
Merritt	Ramsey	Waites
Milner	Rice	Walden
McDonald	Richeson	Walker
McGowen	Smith	Williams
Nicholson	Strickland	Wright
O'Neill	Stollenwerck	

—59

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills:

S. 358. To amend an Act entitled "An Act to authorize the owners and operators of street railways to furnish free or reduced transportation to members of the police force and fire departments and sanitary inspectors of cities and towns of this State, into or through which said railways are operated, and to grant special or reduced rates to pupils attending schools." Approved November 23, 1907."

S. 287. In relation to pandering, to define and prohibit the white slave traffic, to provide for the punishment thereof, and for the competency of certain evidence at the trial thereof.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing Senate message were read one time and referred to appropriate standing committees as follows:

Commerce and Common Carriers, S. 358.

Revision of Laws, S. 287.



MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills:

S. 443. To provide a stenographer for the supreme court reporter, to fix the salary of the same, and make ~~appropriation to pay such salary.~~

S. 353. To amend section 3022 of the code of Alabama.

S. 354. To amend section 3019 of the code of Alabama.

S. 355. To regulate the presenting and signing of bills of exception and to provide for establishing bills of exception in the supreme court in all cases tried in any court of this State, with or without a jury, from which an appeal lies to the supreme court before any person acting as judge thereof, other than the regular judge of said court.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing Senate message were read one time and referred to appropriate standing committees as follows:

Appropriations, S. 443.

Revision of Laws, S. 353, S. 354.

Judiciary, S. 355.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 462. To amend section 2218 of the code of Alabama of 1907.

S. 399. To amend section 1769 of the code of 1907.  
And sends same herewith to the House.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing Senate message were read one time and referred to appropriate standing committee as follows:

Revision of Laws, S. 462, S. 399.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 313. To amend section 6572 of the code of Alabama.

And sends same herewith to the House.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message was read one time and referred to appropriate standing committee as follows:

Revision of Laws, S. 313.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following Senate bill:

S. 237. To amend section 3281 of the code of Alabama.

And sends same to the House without engrossment.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message was read one time and referred to appropriate standing committee as follows:

~~Revision of Laws, S. 237.~~

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills:

S. 468. To require the State auditor to draw his warrant for any sum or sums of money which may be appropriated by law where there is no machinery provided by the law making the appropriation directing the way and manner by which the appropriation shall be available, and to require the treasurer to pay such warrant; and providing in whose favor such warrant shall be drawn.

S. 302. To render valid the official acts of certain notaries public and ex-officio justices of the peace done and performed between the 16th day of January, 1911, and the approval of this act.

S. 404. To amend section 3104 of the code of Alabama.

And sends same herewith to the House.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing Senate message were read one time and referred to appropriate standing committees as follows:

Appropriations, S. 468.

Judiciary, S. 302.

Revision of Laws, S. 404.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The President and presiding officer of the Senate having signed the following Senate bills:

S. 161. An act to amend subdivision 7 of section 1678, article 1, chapter 41, of the code of 1907.

S. 19. An act to appropriate the sum of twenty-five thousand dollars for the erection of a modern school building for the sixth congressional district agricultural school located at Hamilton, the present building having become inadequate for the necessities of the school.

S. 151. An act to regulate and define the practice of optometry in the State of Alabama, and to provide for a State board of examination and registration and to prescribe their duties.

S. 434. An act to establish in precinct one in Madison county, Alabama, an inferior court in lieu of all justices of the peace and notaries public with the powers of a justice of the peace in said precinct, to be known as the inferior court of Huntsville, to define the jurisdiction and powers of said court and the judge thereof.

Your signature thereto is requested.

J. A. Kyle,  
Secretary.

## SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing message from the Senate.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 315. To amend an act approved August 26th, 1909, amending section 1182 of the code of Alabama.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

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SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message was read one time and referred to appropriate standing committee as follows:

Revision of Laws, S. 315.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

The committee on Enrolled bills have examined the following House bill:

H. 323. To provide and create a commission form of Municipal government and to establish same in all the cities of Alabama which now have, or which may hereafter have, a population of as much as twenty-five thousand and less than fifty thousand people according to the last federal census or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials; and otherwise provide for the creation and maintenance of said commission form of government.

And find same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.

SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the title had been publicly

read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bill the title to which is set out in the above and foregoing report from the standing committee on Enrolled bills.

S. 349. To provide for the more efficient working of the public roads in Wilcox county; to provide revenues for the same; to define the powers and duties of the county commissioners with reference to same; to provide for the appointment of overseers and sub-overseers, and a civil engineer, defining their duties, and prescribe rules, regulations and penalties in order to carry into effect the purposes of this act.

Was read a third time at length and passed.

Yeas, 66; nays, 0.

Yeas:

Messrs:—

Speaker	Jenkins (Baldwin)	Percy
Acker	Jenkins (Bullock)	Pitts
Arnold	Johnson (Clarke)	Popwell
Barnard	Johnson (Marshall)	Quinn
Bell (Autauga)	Jones	Ramsey
Brindley	Judge	Rice
Boswell	Knight	Richeson
Brown (Tuscaloosa)	Lawson	Rylance
Bush	Lee	Smith
Butt	Letson	Strickland
Carroll	Lloyd	Stollenwerck
Chamberlain	Lumpkin	Sturdivant
Cranford	Martin (Calhoun)	Sullivan
Darden	Martin (Jackson)	Thomas
Eastis	Mastin	Twombly
Edmonds	Merritt	Waddell
Fletcher	Milner	Waites
Fuquay	McDonald	Walden
Greene	McGowen	Walker
Helms	Nicholson	Wilhite
Hood	O'Neill	Williams
James	Overton	Wright

H. 787. Entitled an act to repeal an act to fix and regulate the fees of the deputy solicitor of Lamar county, Alabama, approved on the first day of October, 1903.

Was read a third time at length and passed.

Yeas. 66; nays. 0.

**Yeas:**

Messrs:—

Speaker	Hood	O'Neill
Acker	Horton	Overton
Arnold	James	Percy
Barnard	Jenkins (Baldwin)	Pitts
Bell (Autauga)	Jenkins (Bullock)	Popwell
Brewer	Johnson (Clarke)	Quin
Boswell	Johnson (Marshall)	Ramsey
Brown (Tuscaloosa)	Jones	Richeson
Burton	Judge	Smith
Bush	Knight	Strickland
Butt	Lane	Stollenwerck
Carroll	Lawson	Sturdivant
Chamberlain	Lee	Sullivan
Cranford	Letson	Thomas
Darden	Lloyd	Twombly
Eastis	Lumpkin	Waddell
Edmonds	Martin (Calhoun)	Waites
Fletcher	Mastin	Walden
Fuquay	Merritt	Walker
Gewin	McDonald	Wilhite
Greene	McGowen	Williams
Helms	Nicholson	Wright

—66

**REPORT FROM COMMITTEE ON ENGROSSED BILLS.**

**Mr. Speaker:**

The committee on Engrossed bills have examined the following House bill:

H. 699. To amend sections 4031 and 4032 of the code of Alabama.

And find same correctly engrossed.

A. K. Merrill,  
Chairman.

The report was concurred in.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill:

H. 79. Providing for the registration, licensing, identification, and regulation of motor vehicles operated upon the public highways of this State.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

On motion of Mr. Stollenwerck, the House concurred in and adopted the Senate substitute for the bill, H. 79, said Senate substitute being as follows:

Substitute for House bill 79:

Amend the said bill by striking out all the caption and all the bill and by substituting and inserting in lieu thereof the following:

## A BILL TO BE ENTITLED AN ACT.

Providing for the registration, licensing, identification and regulation of motor vehicles operated upon the public highways of this State; and fixing liability for persons riding therein, and providing penalties and punishments for violations of the provisions of said act.

*Be it enacted by the Legislature of Alabama:*

Section 1. Definitions: The term "motor vehicle" as used in this act except where otherwise expressly provided, shall include all vehicles propelled by any power other than muscular power, except motor-bicycles, motor-cycles, traction engines, road rollers, fire wagons, engines,



police patrol wagons, ambulances and such vehicles as run only upon rails or tracks. The term "local authorities" shall include all officers of counties, cities, towns or villages, as well as all boards, committees and other public officials of such counties, cities, towns or villages, ~~also the territories and the federal districts of the United States.~~ The term "owner" shall also include any person, firm, association or corporation owning a motor vehicle or renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period greater than thirty days. The term "public highway" shall include any highway, country road, State road, public street, avenue, alley, park, parkway or public place in any county, city, town or village, except any speedway which may have been or may be expressly set apart by law for the exclusive use of horses and light carriages.

Sec. 2. Registration of motor vehicles: Every owner of a motor vehicle which shall be operated or driven upon the public highways of this State either by himself, his chauffeur or another by his authority, shall, for each motor vehicle owned, except as herein otherwise expressly provided, cause to be filed, by mail or otherwise, in the office of the secretary of State a verified application for registration on a blank to be furnished by the secretary of State for that purpose, containing (1) a brief description of the motor vehicle to be registered, including the name of the manufacturer, the style, type and factory number of such vehicle, the character of the motor power and the amount of such motor power stated in figures of horse power. (2) The name, residence and business address of the owner of such motor vehicle and the name of the county in which he resides, which registration shall be in lieu of all registration of motor vehicles in the probate judges office as now provided by law.

Sec. 3. Registration book: Upon the receipt of an application for registration of a motor vehicle or vehicles as provided in this act, the secretary of State shall file such application in his office and register such motor vehicle or vehicles with the name, residence and business address of the owner, manufacturer or dealer as the case may be, together with the facts stated in such application, in a book or index to be kept for the purpose, under the distinctive number assigned to such motor vehicle by the secretary of State, which book or index shall be open to inspection during reasonable business hours.

Sec. 4. Certificate of registration: Upon the filing of such application and the payment of the fees provided in this act the secretary of State shall assign to such motor vehicle a distinctive number and without expense to the applicant, issue and deliver to the owner a certificate of registration in duplicate, in the form and size herein below provided. In the event of the loss, mutilation or destruction of a certificate of registration the owner of a registered motor vehicle may obtain from the secretary of State a duplicate thereof, upon filing in the office of the secretary of State an affidavit showing the fact and the payment of a fee of one dollar for each duplicate.

Sec. 5. Registration list to be furnished probate judges: The secretary of State, shall, within sixty days after this act takes effect, and th. after on or before the tenth day of each month furnish to the judge of probate of each county in the State a full and accurate list of all motor vehicles registered from his county, stating the distinctive number so assigned to them and the names, residences and business addresses of the owners, manufacturers or dealers as the case may be. Such lists shall be filed by such probate judges and be kept as public rec-

ords open to inspection during reasonable business hours.

Sec. 6. Re-registration annually: Such registration shall be renewed annually in the same manner and upon the payment of the same fee as provided in this act for original registration, such renewal to take effect on the 1st day of October of each year.

Sec. 7. The following license tax or registration fee shall be charged on motor vehicles used for private use: Seven and one half dollars upon each motor vehicle having a rating of less than twenty horse power; \$12.50 upon each motor vehicle having a rating of twenty horse power and less than thirty horse power; \$17.50 for more than thirty and less than forty horse power; \$20.00 upon each motor vehicle having a rating of forty horse power, or more; and such fee shall be based on the insurable horse power of the car. Twelve dollars and half on each electric motor vehicle, and fifteen dollars on each motor vehicle propelled by steam. Three dollars on each motorcycle. The following license tax or registration fee shall be charged on motor vehicles used for hire: Upon each motor vehicle used for public hire in transporting passengers or freight \$25.00. Each manufacturer or dealer in motor vehicles shall pay a license tax of \$100.00. Each person, firm or corporation conducting a garage, or garages, shall pay a license tax of one hundred dollars, for each garage. Said several sums of money charged as a license tax herein shall be paid to the secretary of State and forty percentum of the gross revenue derived from any incorporated city or town shall revert to the treasurer of the city or town in which the owner or licensee resides, and forty per cent of the gross revenue derived from any county outside of any incorporated city or town shall likewise revert to the treasurer of said county. The registration fee or license tax shall

be in lieu of all other privilege licenses which the State, or any county or municipality thereof might impose, but nothing in this section shall be construed to prevent the collection of any ad valorem tax.

Sec. 8. Sale and registration by purchaser: Upon the sale of a motor vehicle registered in accordance with this act, the purchaser shall, within ten days after the date of such sale demand from the secretary of State a certificate blank and upon said blank furnished him for that purpose state the name and business address of the previous owner, if known, the number under which such motor vehicle is registered, and the name, residence and business address of such purchaser. And upon receipt of such statement the secretary of State shall note in the registration book or index such change in ownership, and at least monthly notify every probate judge of the State of such sales each of whom shall immediately note the same on the list of registered vehicles received and kept on file by him as herein provided.

Sec. 9. Fees in lieu of all privilege licenses: The registration fees imposed by this act upon motor vehicles shall be in lieu of all other privilege licenses which the State of Alabama or any county or municipality or other subdivision thereof might impose, but nothing in this section shall be construed to prevent the collection of an ad valorem tax.

Sec. 10. Distinctive number must be carried on motor vehicles: No person shall operate or drive a motor vehicle on the public highways of this State after the 1st day of October, 1911, unless such vehicle shall have the certificate of registration assigned to it by the secretary of State conspicuously displayed on the rear of such vehicle, securely fastened. No person shall display on such vehicle at the same time any number as-

singed to it under any other motor vehicle law or ordinance.

Sec. 11. Color of number plate to be changed annually: Such certificate of registration shall be of a distinctive different color or shade each year, to be designated and selected by the secretary of State, and there shall be at all times a marked contrast between the color of the number plates and that of the numerals or letters thereon.

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Sec. 12. Form of certificate.—Such certificate of registration shall be an enamelled plate or placard of metal, four and one-half inches wide and not more than twelve inches in length, in the upper left hand corner of which there shall be the word "Ala." and to the right of which word there shall be the distinctive number assigned to the vehicle set forth in numerals three inches long, each stroke of which shall be at least one-half an inch in width; provided, that in the case of a motor vehicle registered under provisions of section 13 there shall be on such plate or placard in addition to the foregoing the letter "D," the same to be at the right of the distinctive number, each stroke of such letter to be at least three inches long and one-half inch in width.

Sec. 13. Registration by manufacturers and dealers.—Every person, firm, association or corporation manufacturing or dealing in motor vehicles may, instead of registering each motor vehicle so manufactured or dealt in, make a verified application upon a blank to be furnished by the secretary of State for a general distinctive number for all the motor vehicles owned or controlled by such manufacturer or dealer, such application to contain: (1) A brief description of each style or type of motor vehicle manufactured or dealt in by such manufacturer including the character of the motor power, the amount of such motor power stated in figures of horse pow-

er, and the weight in pounds of each such style or type; and (2) the name, residence and business address of such manufacturer or dealer. On the payment of one license fee equal to the average horse power of all machines owned by such person, firm or corporation, at the time of registration, on the basis of one dollar for each horse power up to twenty, and one-half dollar for each horse power in excess thereof, such application shall be filed and registered in the office of the secretary of State as above provided. There shall thereupon be assigned and issued to such manufacturer or dealer, a general distinctive number and duplicate certificate of registration in the form of plates as above provided, duplicates of which shall be carried for display by every motor vehicle of such manufacturer or dealer so registered when the same is driven or operated on the public highways. Such manufacturer or dealer may obtain as many duplicates of such certificates of registration as may be desired upon payment of one dollar for each duplicate to the secretary of State. Nothing in this section shall be construed to apply to a motor vehicle operated by manufacturer or dealer for private use or for hire.

Sec. 14. Re-registration annually: The registration provided for in section 13 shall be renewed in the same manner upon the payment of the fees provided in section 13 of this act, such renewal to take effect on the first day of October of each year.

Sec. 15. Authorized expenses of maintenance by secretary of State: The expense of operation and maintenance of everything required to be furnished and performed by the secretary of State shall not exceed fifteen per cent of the annual revenue derived under the provisions of this act out of which fifteen per cent of said revenue the said secretary of State is authorized to

employ such clerical assistance as may be by him deemed advisable for the proper performance of the duties imposed upon him by this act. In his discretion he may employ not more than two assistants to carry out the provisions of this act, and the expense of the employment of such assistants shall not exceed thirty-five hundred (\$3,500.00) dollars per annum.

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Sec. 16. Exemption of non-resident owners: The provisions of the foregoing sections relative to registration and display of registration numbers shall not apply to a motor vehicle owned by a non-resident of this State and not used for hire in this State, provided that the owner thereof shall have complied with the provisions of the law of the foreign country, state, territory, or federal district of his residence relative to registration of motor vehicles and the display of registration numbers thereon, and shall conspicuously display his registration number as required thereby. The provisions of this section shall apply as to a motor vehicle owned by a non-resident of this State only to the extent that under the laws of the foreign country, state, territory or federal district of his residence like exemptions and privileges are granted to motor vehicles duly registered under the laws of and owned by residents of this State, provided that nothing herein shall be construed to permit the use of motor vehicles for hire by non-residents without complying with the provisions of this act.

Sec. 17. Exemptions of motor vehicles owned by counties and cities: Motor vehicles owned by counties and cities and used for purely county and municipal purposes shall be registered but exempt from the payment of registration fees.

Sec. 18. Brakes, horns and lamps, signaling at crossings: Every motor vehicle, operated or driven upon the public highways of this State shall be provided with adequate brakes in good working order and sufficient to control such ve-

hicle at all times when the same is in use and a suitable and adequate bell, horn, or other device for signaling, and shall, during the period from one-half hour after sunset to one-half hour before sunrise display at least two lighted lamps on the front and one on the rear of such vehicle which shall also display a red light visible from the rear. The rays of such rear lamp shall shine upon the number plate carried on the rear of such vehicle in such manner as to render the numerals thereon visible at least fifty feet in the direction in which the motor vehicle is proceeding. Provided that the lamps on such vehicle need not be lighted when the vehicle is standing under the rays of a light and can be plainly seen. Every person operating or driving a motor vehicle on the public highways of this State, shall also, when approaching a cross road outside the limits of a city or incorporated village, slow down the speed of the same, and shall sound his bell, horn or other device for signaling in such a manner as to give notice and warning of his approach.

Sec. 19 Stopping on signal, and other regulations: A person operating or driving a motor vehicle shall, on signal by raising the hand, from a person riding, leading or driving a horse or horses or other draft animals bring such motor vehicle immediately to a stop, and, if travelling in the opposite direction remain stationary so long as may be reasonable to allow such horse or animal to pass, and if travelling in the same direction, use reasonable caution in thereafter passing such horse or animal, provided that, in case such horse or animal appears badly frightened, or the person operating such motor vehicle is so signalled to do, such person shall cause the motor of such vehicle to cease running so long as shall be reasonably necessary to prevent accident and insure the safety of others. In approaching or passing a car of a street railway which has



been stopped to allow passengers to alight or embark, the operator of every motor vehicle shall slow down and if it be necessary for the safety of the public he shall bring said vehicle to a full stop. Upon approaching a pedestrian who is upon the travelled part of any highway and not upon ~~a sidewalk and upon approaching an intersecting~~ highway or a curve or a corner in a highway where the operator's view is obstructed, every person operating a motor vehicle shall slow down and give a timely signal with his bell, horn or other device for signalling.

Sec. 20. Rules of the road: Whenever a person operating a motor vehicle shall meet on a public highway any other person riding or driving a horse or horses or other draft animals or any other vehicle, the person so operating such motor vehicles shall seasonably turn the same to the right of the center of such highway so as to pass without interference. Any person so operating a motor vehicle shall, on overtaking any such horse, draft animal or other vehicle pass on the left side thereof and the rider or driver of such horse, draft animal or other vehicle shall, as soon as practicable, turn to the right so as to allow free passage on the left. Any such person so operating a motor vehicle shall, at the intersection of public highway keep to the right of the intersection of the center of such highway when turning to the right and pass to the right of such intersection when turning to the left.

Sec. 21. Speed permitted: No person shall operate a motor vehicle upon the public highways of this State recklessly, or at a rate of speed greater than is reasonable and proper, having regard to the width, traffic and use of the highway, or so as to endanger property, or the life or limb of any person; provided that a rate of speed in excess of thirty miles per hour for a distance of a quarter of a mile shall be presumed

evidence of travelling at a rate of speed which is not careful and prudent.

Sec. 22. Minimum age of chauffeurs or other authorized drivers of motor vehicles: No person either the owner, chauffeur, or other authorized driver of any motor vehicle, shall operate any such vehicle upon the public highways of this State who is under the age of sixteen years, unless accompanied by an adult person and any person allowing any such vehicle to be operated by any person under the age of sixteen years unless accompanied by such adult shall be punished by a fine not exceeding one hundred (\$100.00) dollars.

Sec. 23. License of chauffeurs: Applications for license to operate motor vehicles, as a chauffeur, may be made by him by mail or otherwise to the secretary of State or his duly authorized agent upon blanks prepared under his authority. Such applications shall be accompanied by a written recommendation or endorsement of three (3) reputable property holders of the county from which the application is made, and when so accompanied it shall be the duty of the secretary of State or his duly authorized agent to issue a license to such chauffeur upon the payment by such chauffeur of a fee hereinafter provided for in this section. No chauffeur license shall be issued to any person under the age of eighteen years. To each person shall be assigned some distinguishing number or mark and the license issued shall be in such form as the secretary of State shall determine. It shall contain the distinguishing number or mark assigned to the licensee, his name, place of residence and address a brief description of the licensee for the purpose of identification. Such distinctive number or mark shall be of a distinctly different color each year and in any year shall be of the same color as that of the number plates issued for that year. The secretary of State shall furnish to every

chauffeur so licensed a suitable metal badge with the distinguishing number or mark assigned to him thereon without extra charge therefor. This badge shall thereafter be worn by such chauffeur pinned upon his clothing in a conspicuous place at all times while he is operating or driving a motor vehicle upon the public highways. Said

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badge shall be valid only during the term of the license of the chauffeur to whom it is issued as aforesaid. Every person licensed to operate motor vehicles as aforesaid shall endorse his usual signature on the margin of the license in the space provided for the purpose, immediately upon receipt of said license, and such application filed under the provisions of this section shall be sworn to and shall be accompanied by a fee of five dollars, provided that the provisions of this section shall not apply to an owner of a motor vehicle for private use, but the same shall apply to the owner of a motor vehicle for public use.

Sec. 24. Chauffeurs licensed registration book: Upon the receipt of such an application the secretary of State shall thereupon file the same in his office and register the applicant in a book or index which shall be kept in the same manner as the book or index for the registration of motor vehicles and when the applicant shall have passed the examination provided for in the preceding section, the number or mark assigned to such applicant together with the fact that such applicant has passed such examination shall be noted in said book or index.

Sec. 25. Unauthorized possession or use of license badges: No chauffeur having been licensed as herein provided shall voluntarily permit any other person to possess or use his license or badge, nor shall any person while operating or driving a motor vehicle use or possess any license or badge belonging to another person, or a fictitious license or badge.

Sec. 26. Unlicensed chauffeurs cannot drive motor vehicles: Except as otherwise provided in this act, no person shall operate or drive a motor vehicle as a chauffeur upon a public highway in this State after the first day of October, 1911, unless such person shall have complied in all respects with the requirements of this act; provided, however, that a non-resident chauffeur, who has registered under the provisions of law of the foreign country, state, territory or federal district of his residence, shall be exempt from license under this section; and provided, further, he shall wear the badge, if any, assigned to him in the foreign country, state, territory or federal district of his residence in the manner provided in this section.

Sec. 27. Renewal: Such license shall be renewed annually upon the payment of a fee of two and one-half dollars as provided in this act, for the original license, such renewal to take effect on the first day of February of each year.

Sec. 28. Punishment for operating motor vehicles while in an intoxicated condition and for going away without stopping after accident and making himself known: Whoever operates a motor vehicle while in an intoxicated condition shall be guilty of a misdemeanor. Any person operating a motor vehicle, who, knowing that injury has been caused to a person or property, due to the culpability of the said operator, or to accident, leaves the place of said injury or accident, without stopping and giving his name and residence, and operator's license number, to the injured party or to some officer or to some person in the vicinity thereof shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment. A conviction of a violation of this section shall be reported forthwith by the trial court or the clerk

thereof to the secretary of State, who shall upon recommendation of the trial court suspend the license of the person so convicted, or if he be an owner the certificate of registration of his motor vehicle, and if no appeal therefrom be taken, or if an appeal duly taken be dismissed, or the ~~judgment affirmed and upon notice thereof by~~ said clerk, the secretary of State may revoke such license or in the case of an owner the certificate of registration of his motor vehicle, and if revoked shall order the license or certificate of registration delivered to the secretary of State, and shall not re-issue to him said license or certificate of registration unless the secretary of State in his discretion, after an investigation or upon a hearing decide to re-issue or issue such license or certificate. Any chauffeur operating a motor vehicle while his license is suspended or revoked shall be guilty of a misdemeanor. Any person who operates any motor vehicle while a certificate of registration of motor vehicle issued to him is suspended or revoked shall be guilty of a misdemeanor. Upon a third or subsequent conviction of a chauffeur for a violation of the provisions of an ordinance, rule or regulation, regulating the speed of motor vehicles the secretary of State upon the recommendation of the trial court, shall forthwith revoke the license of the person so convicted and no new license shall be issued to such person so convicted for at least six months after the date of such conviction and not thereafter except in the discretion of the said secretary of State. Any person knowingly making a false statement in the verified application for registration shall be guilty of a misdemeanor punishable by a fine of not exceeding fifty dollars. Any person violating any of the provisions of any section of this act for which violation no punishment has been specified, shall be guilty of a misdemeanor, punishable by fine of not exceed-

ing twenty-five dollars for the first offense and by a fine not in excess of five hundred dollars for any subsequent offense.

Sec. 29. Certifying conviction to the secretary of State: Upon the conviction of any person for violation of any of the provisions of this act, the trial court or the clerk thereof shall immediately certify the facts of the case, including the name and address of the offender, the judgment of the court, and the sentence imposed to the secretary of State, who shall enter the same either in the book or index of registered motor vehicles or in the book or index of registered chauffeurs, as the case may be, opposite the name of the person so convicted and in the case of any other person in any book or index of offenders to be kept for such purpose. If any such conviction shall be reversed upon appeal therefrom, the person whose conviction has been so reversed may serve on the secretary of State a certified copy of the order of reversal, whereupon the secretary of State shall enter the same in the proper book or index in connection with the record of such conviction.

Sec. 30. Release from custody, bail, etc.: In case any person shall be taken into custody charged with violation of any of the provisions of this act, he shall be forthwith taken before the nearest magistrate or other judicial officer who shall have the power of a magistrate, and be entitled to an immediate hearing or admission to bail. Before being admitted to bail he shall give bond or undertaking executed by a fidelity or surety company authorized to do business in this State, or by a deposit of a sum of money equal to the amount of the bond, or other bail provided by law, or may be released by such judicial officer upon his own recognizance, such bond or undertaking to be in an amount not exceeding one hundred dollars if the charge be for a misde-

meanor, and one thousand dollars if the charge be for a felony.

Sec. 31. Disposition and return of bail: Such bail as may be deposited as herein provided shall be held by the officer accepting the same or by the clerk of the court. Upon the person who has been taken into custody and given security or bail for his appearance surrendering himself for trial and upon the conclusion of such trial the court shall issue to the defendant an order upon the magistrate or clerk of the court or other officer authorized to accept bail to return or deliver back any money or property deposited as bail.

Sec. 32. Local ordinances prohibited: Except as herein otherwise provided, local authorities shall have no power to pass, enforce or maintain any ordinance, rule or regulation requiring from any owner or chauffeur or other authorized driver to whom this act is applicable, any additional license or permit for the use of the public highways, or excluding any such owner, chauffeur or other authorized driver from the free use of such public highways, nor to pass, enforce or maintain any ordinance, rule or regulation regulating motor vehicles or their speed contrary to the provisions of this act, nor shall any such law now in force or hereafter enacted have any effect; provided, however, that the powers given to local authorities to regulate vehicles offered to the public for hire and processions, assemblages, or parades in the streets or public places and all ordinances, rules and regulations which may have been or which may be enacted in pursuance of such powers shall remain in full force and effect; and, provided further, that local authorities may set aside for a given time a specified public highway for speed contests or races, to be conducted under proper restrictions for the safety of the public, and provided further, that local authorities may exclude motor vehicles from any cemetery or grounds used for the burial of the

dead; provided, further that suitable ordinance, rules and regulations may be passed regulating speed to a reasonable slowness at crossings or in turning curves or in congested highways and streets.

Sec. 33. Certifying convictions to the secretary of State: Upon the conviction of any person for a violation of any of the provisions of this act, the magistrate or other judicial officer before whom the proceedings are held, shall immediately certify the facts of the case, including the name and address of the offender, the character of the punishment and the amount of any fine imposed and paid, to the secretary of State who shall enter the same either in the book or index of registered motor vehicles as the case may be opposite the name of the person so convicted, and in the case of any other person in alphabetical order. The secretary of State shall send notice of all convictions for violations of this act, with the names, and addresses of the persons convicted and the amount of fines legally imposed on such convictions, to the judge of probate who shall enter the same on the lists of registered motor vehicles opposite the name of the person so convicted, or on a list of other offenders which he shall maintain in his office as public records and which shall be furnished him by the secretary of State in the same manner as the lists of regular motor vehicles and on application the secretary of State shall furnish copies of such lists to the magistrates or other judicial officers of any county before whom violations of the provisions of this act are triable. If any such convictions shall be reversed upon appeal therefrom the person whose conviction has been reversed may serve on the secretary of State a certified copy of the order of reversal, whereupon the secretary of State shall enter the same in the proper book or index in connection with the record of



such conviction and shall also notify each probate judge of the same.

Sec. 34. The contributory negligence of the person operating or driving any motor vehicle in this State shall be imputed to every occupant of said motor vehicle at the time of such negligence in actions brought by such occupant or his personal representatives for the recovery of damages for death or personal injury whether the relation of principal and agent exists between such person operating or driving such motor vehicle and such occupant or not, provided that the provisions of this section shall not apply to passengers paying fare and riding in a motor vehicle regularly used for public hire.

Sec. 35. Any person who without the knowledge or consent, expressed or implied of the owner, uses the motor vehicle of such owner on any public highway or elsewhere in this State shall be guilty of a misdemeanor and shall on conviction be fined not less than twenty-five dollars nor more than one thousand dollars, and may also be sentenced to hard labor for not more than twelve months; and if it be shown on the trial of said cause that the motor vehicle so unlawfully used has been damaged in whole or in part by such person, then the fine imposed shall not be less than the damage proved and one-half of such fine shall be paid to the owner of such motor vehicle provided said fine shall in no event exceed one thousand dollars.

Sec. 36. If any section or part of this act shall be held to be unconstitutional or void, such holding shall not render unconstitutional and void any other section or part thereof, which of itself is constitutional and valid.

Sec. 37. Title of act when it takes effect: This act shall be known as "The Motor Vehicle Law" and shall take effect on the first day of October, 1911; provided, that applications for registration may be made and registration cer-

tificates and badges issued at any time within thirty days prior to such date.

Sec. 38. That chapters 58 and 168 of the code of 1907 are hereby repealed, and all other laws and parts of laws in conflict herewith be and the same are hereby repealed.

Yeas, 68; nays, 0.

Yeas:

Messrs:—

Speaker	James	Overton
Acker	Jenkins (Baldwin)	Percy
Arnold	Jenkins (Bullock)	Pitts
Barnard	Johnson (Clarke)	Popwell
Bell (Autauga)	Johnson (Marshall)	Quinn
Brewer	Jones	Ramsey
Brindley	Judge	Rice
Boswell	Knight	Richeson
Brown (Tuscaloosa)	Lane	Rylance
Burton	Lawson	Smith
Bush	Lee	Strickland
Butt	Letson	Stollenwerck
Chamberlain	Lloyd	Sturdivant
Cranford	Lumpkin	Sullivan
Darden	Martin (Calhoun)	Thomas
Eastis	Martin (Jackson)	Twombly
Edmonds	Mastin	Waddell
Fowlkes	Merritt	Waites
Fuquay	Milner	Walker
Gewin	McDonald	Willhite
Helms	McGowen	Williams
Hood	Nicholson	Wright
Horton	O'Neill	

—68

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following Senate bills:

S. 255. To amend section 4840 of the code of Alabama of 1907.

S. 256. To amend sections 2996 and 3005 of the code of Alabama of 1907.

And ordered same sent to the House without engrossment.

J. A. Kyle,  
Secretary.

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SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing Senate message were read one time and referred to appropriate standing committee as follows:

Revision of Laws, S. 355, S. 356.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the report of the committee of Conference on the disagreement of the two Houses, on the Senate amendments to:

H. 691. To further provide for the revenues of the State of Alabama.

And that the Senate has concurred in and adopted all the amendments offered and recommended as shown by said report, and has receded from all amendments recommended to be receded from by said report and the Senate has adopted and concurred in all amendments inserted by said report in lieu of any amendments recommended by said report to be receded from by the Senate.

J. A. Kyle,  
Secretary.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

The committee on Enrolled bills have examined the following House bill:

H. 691. To further provide for the revenues of the State of Alabama.

And find same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.

## SIGNING OF BILL.

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bill the title to which is set out in the above and foregoing report from the standing committee on Enrolled bills.

## MESSAGE FROM THE GOVERNOR.

On motion of Mr. Arnold, the House concurred in and adopted the amendment proposed by the governor to the bill, H. 691 said governor's amendment being as follows:

Montgomery, Ala., March 31st, 1911.

To the House of Representatives:

I herewith return House bill 691 without my approval, and suggest the following amendments to meet my objections thereto:

Amend section 12, by inserting after the word "annually" in the second line of said section the words "the following franchise tax;" and by inserting between the words "whose" and "capital" in line three of said section the following: "Paid up;" by inserting the words "paid up" between the words "its" and "capital" in line four of said section; by inserting in line five between the words "whose" and "capital" the words "paid up."

By striking out section 17 and inserting the following in lieu thereof:

"Sec. 17. *Circuses*.—For circuses license taxes shall be paid as follows: For each day's exhibition of a circus, in towns or cities having more than five thousand inhabitants, or within five miles thereof, one hundred and fifty dollars; in all other places, one hundred dollars. Every building, space, tent, area, where feats of horsemanship or acrobatic sports are exhibited shall be regarded as a circus; but provisions of this section shall

not apply to theatres paying a treatrical license where acrobatic feats or pony or dog shows are given. For each day's exhibition of a pony or dog show exhibiting in towns or cities which have more than ten thousand inhabitants, thirty-five dollars, in all other places, twenty-five dollars. For each day exhibition of a side ~~show accompanying a circus, menageries or museums,~~ ten dollars. For any flying-jenny accompanying a circus, ten dollars per day. And it shall be the duty of the sheriff of each county in this State to inspect, or cause to be inspected by his deputy each such exhibition, and where it is discovered by him that the proper license has not been taken out and paid for, he shall immediately arrest the manager or other parties in charge of such exhibition and bring him before the proper court for trial, and any sheriff failing so to do is guilty of a misdemeanor. Examiners of public accounts are charged with the duty of seeing that sheriffs have performed their duty."

By striking out section 19 and inserting the following in lieu thereof:

"Sec. 19. *Compounders and rectifiers.*—Compounders and rectifiers of spirituous, vinous or malt liquors shall pay an annual license of twenty-five hundred dollars, provided such business is now or may hereafter be authorized by law; any person who rectifies, purifies or refines distilled spirits or wines or other liquors with any chemicals or other substances, or any dealer who dilutes such liquors or wines with any other substance, or who compounds liquors for sale under any name, shall be deemed a compounder or rectifier under this section."

By adding at the end of the bill the following:

"Wherever provision exists for the assessment of property at its fair cash or market value, the same shall be assessed in accordance with section 36a of this act."

Emmet O'Neal,  
Governor.

Yeas, 62; nays, 4.

## Yeas:

Messrs:—

Speaker	Horton	Overton
Acker	Jenkins (Baldwin)	Pharr
Arnold	Jenkins (Bullock)	Percy
Barnard	Johnson (Clarke)	Pitts
Bell (Autauga)	Johnson (Marshall)	Quin
Brewer	Jones	Ramsey
Brindley	Judge	Rice
Burton	Knight	Richeson
Bush	Lane	Rylance
Butt	Lavender	Smith
Carroll	Lawson	Strickland
Chamberlain	Letson	Stollenwerck
Cranford	Lloyd	Sturdivant
Darden	Lumpkin	Sullivan
Eastis	Martin (Calhoun)	Thomas
Fletcher	Martin (Jackson)	Twombly
Fuquay	Mastin	Waits
Gewin	McDonald	Walker
Greene	McGowen	Wilhite
Helms	Nicholson	Wright
Hood	O'Neill	

—62

## Nays:

Messrs:—

James	Waddell	Williams
Merritt		

—4

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

By Rules Committee:

S. J. R. 122. Be it resolved by the Senate, the House concurring, That when the two Houses adjourn today, they adjourn to meet again on Tuesday next at 11 a. m.

And sends same herewith to the House.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the Senate joint resolution 122, which is set out in the above and foregoing Senate message.

~~MESSAGE FROM THE SENATE.~~

Mr. Speaker:

The Senate has concurred in and adopted the amendment, proposed by his excellency, the governor to:

H. 691. To further provide for the revenues of the State of Alabama.

Yeas, 23; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

The committee on Enrolled bills have examined the following House bills:

H. 691. To further provide for the revenues of the State of Alabama.

And find same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.

SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bill the title to which is set out in the above and foregoing report from the standing committee on Enrolled bills:

RECONSIDERATION.

On motion of Mr. Judge, the vote by which the bills, H. 511, H. 606 and H. 666, was reconsidered.

ADJOURNMENT.

On motion of Mr. Rice, the House adjourned until Tuesday morning at 11 o'clock April 4th, 1911.

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FORTY-SIXTH DAY.

House of Representatives.

April 4th, 1911.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by the Rev. Mr. Jones of the House.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:—

Speaker	Brown (Pike)	Dennis
Acker	Brown (Tuscaloosa)	Doswell
Arnold	Barton	Eastis
Avery	Bush	Edmonds
Barnard	Butt	Flanagan
Bell (Autauga)	Capps	Fletcher
Bell (Pickens)	Carroll	Fowlkes
Brewer	Chamberlain	Fuquay
Brindley	Cranford	Gewin
Boswell	Darden	Greene



2176 JOURNAL HOUSE REPRESENTATIVES, 1911.

Griffith	Lumpkin	Pruett
Helms	Martin (Calhoun)	Quinn
Hollis (Choctaw)	Martin (Jackson)	Ramsey
Hollis (Walker)	Mastin	Rice
Hood	Mathews	Richeson
Horton	Merrill	Roberson
Huddleston	Merritt	Rylance
Jackson	Milner	Sanders
James	Molton	Smith
Jenkins (Baldwin)	Mulkey	Strickland
Jenkins (Bullock)	McCurdy	Stollenwerck
Johnson (Clarke)	McDonald	Sturdivant
Johnson (Elmore)	McGowen	Sullivan
Johnson (Marshall)	McLendon	Thomas
Jones	Nicholson	Twombly
Judge	O'Neill	Waddell
Kilburn	Overton	Waits
Knight	Page	Walden
Lane	Parks	Walker
Lavender	Pegram	Whatley
Lawler	Pittman	Wheless
Lawson	Pitts	Wilhite
Lee	Popwell	Williams
Letson	Preston	Wright
Lloyd		

—103

A quorum was present.

JOURNAL

The chairman of the standing committee on the Revision of the Journal made the following report:

Mr. Speaker:

Your committee on the revision of the Journal beg leave to report as follows:

We have examined the Journal for the 45th day, and find the same to be correct.

J. B. Rylance,  
Chairman.

The report of the committee was concurred in and the Journal for the 45th day was approved.

## LEAVE OF ABSENCE.

Was granted to Mr. Pharr for today.

## BILLS ON SECOND READING.

Mr. Thomas, chairman of the standing committee on appropriations, reported that said committee in session has acted on the following bills and ordered same returned to the House with a favorable report:

S. 396. To appropriate ten thousand dollars for the purpose of constructing and equipping a dormitory and constructing or improving other school and farm buildings for the second district agricultural school and experiment station located and situated at Evergreen, Alabama, known as the Southwest Alabama Agricultural school.

S. 443. To provide a stenographer for the supreme court reporter, to fix the salary of the same, and make appropriation to pay such salary.

S. 468. To require the State auditor to draw his warrant for any sum or sums of money which may be appropriated where there is no machinery provided by the law making the appropriation directing the way and manner by which the appropriation shall be available, and to require the treasurer to pay such warrant; and providing in whose favor such warrant shall be drawn.

Mr. Thomas, chairman of the standing committee on Appropriations, reported that said committee in session has acted on the following bills and ordered same returned to the House with a favorable report with amendment:

S. 276. To appropriate ten thousand dollars for the purpose of constructing and equipping a dormitory and constructing or improving other school and farm buildings for the seventh district agricultural and experiment station at Albertville, Alabama.

S. 463. To provide for the better equipment of the normal school at Daphne, Alabama, Baldwin county, and to make an appropriation therefor.

Mr. Hollis of Choctaw, chairman of the standing committee on Education, reported that said committee in session has acted on the following bill and ordered same returned to the House with a favorable report:

H. 627. To appropriate the sum of \$375.00 to be paid to Mrs. Mary C. Venable as compensation for services as a teacher in the public schools of Talladega county, Alabama, from January 1st, 1868, to July 1st, 1868, which said sum has never been paid to her.

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Mr. Horton, acting chairman of the standing committee on Judiciary, reported that said committee in session has acted on the following bill and ordered same returned to the House with a favorable report:

S. 403. To authorize and empower the circuit court to dispense with the drawing or empaneling of either grand or petit juries, for any term of court, in those counties in which there is now, or may hereafter be established, a court of record having concurrent jurisdiction with the circuit court.

Mr. Williams, chairman of the standing committee on Commerce and common carriers, reported that said committee in session has acted on the following bill and ordered same returned to the House with a favorable report:

S. 358. To amend an Act entitled "An Act to authorize the owners and operators of street railways to furnish free or reduced transportation to members of the police force and fire departments and sanitary inspectors of cities and towns of this State, into or through which said railways are operated, and to grant special or reduced rates to pupils attending schools." Approved November 23, 1907."

Mr. Martin of Jackson, chairman of the standing committee on Penitentiary and Criminal Administration, reported that said committee in session has acted on the following bill and ordered same returned to the House with a favorable report:

H. 790. To create the office of deputy coroner for the county of Mobile; to fix his duties and compensation, and to provide for his appointment.

Mr. Williams, chairman of the standing committee on Local Legislation, reported that said committee in session has acted on the following bill and ordered same sent to the House with a favorable report:

H. 822. To amend section 4080 of the code of Alabama.

The above and foregoing bills were severally read a second time, and placed on the calendar.

#### BILLS REPORTED ADVERSELY.

Mr. Thomas, chairman of the standing committee on Appropriations, reported that said committee in session has acted on the following bill and ordered same returned to the House with an adverse report:

S. 460. To establish a reformatory and industrial school for negro juvenile delinquents; to provide for its name, maintenance and government; to prescribe what delinquent children shall be admitted thereto; and further to provide what delinquent children shall be sent to and kept therein; to regulate their detention and discharge.

#### INTRODUCTION OF BILLS.

On a call of the counties, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Jenkins, of Baldwin:

H. 823. To legalize and make effective the registration of deeds of conveyance which have been filed and recorded in the office of judge of probate of the proper county of this State before or within twelve months after the passage of this act, but not within the time required by law, or recorded without proper acknowledgment or probate.

**Revision of Laws.**

RESOLUTIONS.

The following resolutions were introduced:  
By Mr. Merritt:

H. R. 118. Whereas, the House has heard with deep sorrow of the illness of Hon. Walker Percy of Jefferson county, one of its valuable members;

~~Therefore, be it resolved, That we express to him by this token our deepest sympathy in his illness, and wish for him a speedy recovery and that he may be restored to his usual health.~~

Rules suspended and resolution was adopted by a rising vote.

By Mr. Mulkey:

H. R. 119. Resolved by the House, That no member shall speak more than once on any bill and amendments thereto, and that each speech shall be limited to five minutes, unless time be extended by unanimous vote of the House.

And the resolution was referred to the standing committee on Rules.

RECOMMITTAL OF BILL.

Mr. Thomas moved that S. 340 be taken from the adverse calendar and the same be recommitted to the standing committee on Appropriations. The motion prevailed, and the bill, S. 340, was recommitted to the standing committee on Appropriations.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill:

H. 563. To regulate the manufacture, sale and other disposition of spirituous, vinous and malt liquors in the incorporated towns and cities in the State of Alabama whenever such manufacture, sale or other disposition is authorized at and by an election by the qualified electors of the county in which such town, or city is

situated, for determining in and by such elections whether the sale of such liquors shall be by dispensary or by private dealers under license; to regulate the establishment and operation of such dispensaries as may be so authorized; to provide for the creation of an excise commission in such cities or towns in which the manufacture and sale of said liquors are authorized as herein provided; to prescribe the powers and duties of such excise commission wherein the manufacture and sale of said liquors under license is authorized as herein provided; to prescribe the amount of license taxes to be paid by each licensee and the respective portions of the net revenue of each dispensary to be paid, respectively to the State, city or town operating the same, and the county in which the same is operated; to require a bond of each licensee and prescribe its office, purpose and liabilities; to prohibit the manufacture, sale, barter, exchange or giving away to induce trade of said liquors, or any other intoxicating liquors or beverages in the State of Alabama, except as authorized by this act, and under a license obtained and held as in this act provided, and to make unlawful, and to prescribe penalties and punishments for all violations of this act.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

On motion of Mr. Smith the House non-concurred in the Senate amendment to the bill, H. 563, said Senate amendment being as follows:

Committee amendments to Smith Regulation bill (H. 563) and adopted as a whole to the bill.

Strike out section 1 and in lieu thereof insert the following:

Section 1. Be it enacted by the Legislature of Alabama, That it shall be unlawful for any person, firm, corporation or association within the State to manufacture, sell, barter, exchange or give away to induce

trade, any alcoholic, spirituous, vinous or malt liquors, or other intoxicating bitters or bevarages, except in an incorporated town or city wherein such manufacture and sale is authorized by law and except by a dispensary or under a license obtained and held as provided in this act, and except also the manufacture and sale of wine for sacramental purposes, and except also ~~the use by licensed druggists of pure alcohol and sherry wine in filling prescriptions and compounding medicines.~~

Amend section 2 by striking out the words "State, county" in line 4 and inserting in lieu thereof "city, county, State."

Further amend section 2 by inserting the words "or any one of them" after the word, "commissioners" in line 12.

Strike out section 3 and in lieu thereof insert the following:

3. That the chairman of such commission shall be appointed for a term of three years and until his successor is appointed and qualified; that the first two associate members appointed under the provisions of this act shall hold office, one for a period of two years, and one for a period of one year, respectively, and until their successors are appointed and qualified. The time for which each appointee holds office shall be designated by the governor in the appointment. All appointments thereafter made at the expiration of the several terms herein named, including both the chairman and associate members, shall be for a period of two years from the time of appointment and until his successor is appointed and qualified. All vacancies, both as to chairman and associate members, shall be filled for the unexpired term by appointment by the governor, and each of said commissioners, including the chairman and associate members may at any time be removed by the governor, for malfeasance or misfeasance in office. Each of said commissioners shall be a qualified elector of the city or town for which he is appointed. Provided, that in counties having a population of over one hundred thousand, according to

the last federal census, or any subsequent federal census, that there shall be one excise commission appointed in said county, in which event the commissioners shall be qualified electors of the county, and that the said excise commission shall have jurisdiction and supervision over all of the towns and cities in said county.

Amend section 4 by inserting after the words "seventy-five thousand" in the third line the word "population."

Amend section 5 by striking out the words "for cities of class D the chairman of said commission shall receive the sum of four hundred and fifty dollars per annum and the associate members the sum of three hundred dollars per annum each," and insert in lieu thereof the words, "for cities of class D each commissioner shall receive the sum of two hundred dollars per annum."

Further amend section 5 by striking out the word "three" in line 10 and insert in lieu thereof the word "five."

Further amend section 5 by striking out the word "three" in line 11 and insert in lieu thereof the word "one."

Further amend section 5 by striking out the words "and sixty" in line 12.

Further amend section 5 by striking out the words "twelve hundred and seventy-five" and insert the words "seven hundred."

Strike out section 7 and in lieu thereof insert the following:

7. The number of retail licenses to be granted in any town or city under the provisions of this act shall be limited to one for every one thousand (1,000) or fraction thereof, of population in such town or city according to the population as shown by the last preceding federal census, provided that in all cities of class A, the number of retail licenses shall be limited to one for each three thousand (3,000) or fraction thereof, of population in such city according to such census. Where the total number of applicants is in



excess of the number of licenses allowed by law, it shall be the duty of the commission to order the issuance of license to such of the applicants as in their opinion are the best fitted to carry on the business of selling spirituous, vinous or malt liquors, provided always that applicants already possessing a license issued during the previous year shall have preference

~~over new applicants. Upon the expiration of each~~ license the excise commission shall unless the licensee has forfeited his right under the provisions of this act, issue a certificate to the probate judge to renew said license without the necessity of any formal application on the part of the licensee therefor, upon the required bond being made and paying the necessary license tax and fees therefor. All licenses issued under this act must be taken out and paid for within ten days from the recommendation of the excise commission or such rights shall be forfeited.

Amend section 9 by striking out the words, "and ten householders and free holders who are qualified electors in said cities and towns of class E."

Further amend section 9 by adding at the end of sub-division (9) and as a part of such subdivision the following: "But this provision shall not apply to hotels and social clubs then occupying the same location which they were occupying at the time of the passage of this act."

Strike out section 11 and in lieu thereof insert the following:

11. No license shall be issued to a corporation except a domestic corporation authorized by its charter to engage in the business of manufacturing or selling at wholesale spirituous, vinous or malt liquors or operating a bona fide hotel or restaurant, or bona fide social club located within the police jurisdiction of the city or town, provided, that the number of such social clubs to which such licenses may be issued, shall not exceed one for every 5,000 inhabitants of such town or city or fraction thereof and in no case shall the total number of clubs in any city to which license shall be issued exceed ten. All licenses issued in violation of

this section shall be void and shall not authorize the doing of business thereunder. No license shall be granted to a corporation except upon petition by the president or secretary thereof acting under authority of the board of directors or other governing body to the excise commission. All licenses issued shall by the licensee be kept displayed to the public view in his place of business.

Amend section 23 by striking out the words "regulate the supervision by the police and" and inserting in lieu thereof the words: "the regular and usual supervision by the police."

Amend section 26 by striking out the words "wines made by the fermentation of fruit or fruit juices and which may be fortified with not exceeding twenty-four per cent. alcohol, and not in any manner compounded," and insert in lieu thereof the following words: "Whiskey made by distillation of properly prepared and properly fermented mash of malted and unmalted grain or grains, or malted or unmalted grains."

Further amend section 26 by striking out the words "gin made by the distillation of a properly prepared and properly fermented mass of cereals, flavored in its last distillation with juniper berries or with other flavoring extracts" and substituting in lieu thereof the following: "Standard liqueurs and also gin made by the distillation of a properly prepared and properly fermented mass of cereals flavored with flavoring extracts or flavored in its last distillation with juniper berries."

Further amend section 26 by striking out the last eight lines of said section and substituting in lieu thereof the following: "Provided further, that each and every alcoholic commodity, including liqueurs sold in the State of Alabama by wholesale or retail liquor dealers, or by dispensaries, shall comply with and fulfill each and every requirement of the federal food and drugs act of June 30th, 1906, and the amendments thereto."

Provided further, that the sale of absinthe by whatever name it may be designated is prohibited in the State of Alabama.

Provided that the sale of all forms of imitation or adulterated spirituous, vinous and malt liquors is strictly prohibited, even though they be properly labelled; as is also the sale of any spirituous liquor, ~~fabricated, manufactured or made by any method~~ other than the legitimate process of distillation.

Amend section 28 by striking out the word "engage" and inserting in lieu thereof the word "engaged."

Amend section 33 by striking out the words, "it shall be unlawful to retail any spirituous, vinous or malt liquors to any person of the white and colored race in the same room," and substituting in lieu thereof the following: "It shall also be unlawful for any private dealer to retail spirituous, vinous or malt liquors to persons of the white race and to persons of the colored race in the same room."

Amend by inserting the following section:

43. Where at any election held under the general laws of the State the probate judge, sheriff and circuit clerk have made a report or declaration that a majority of the votes was cast "for dispensary," then in a newspaper published in his county, or, if there be no newspaper published in such county, by a notice posted at the door of the courthouse and in two other public places in his county, the probate judge shall make a proclamation stating and declaring the total vote of the county "for dispensary," the total vote of the county "against dispensary," which side had a majority at such election and the amount thereof, and that his county, giving its name, is, and shall be called a "dispensary county."

Amend section 46 by striking out the words, "three hundred" and inserting in lieu thereof the words "one thousand."

Further amend section 46 by striking out the words, "but no dispensary shall be established in any town of less than one thousand inhabitants which has not

been incorporated at least three years prior to the time."

Amend section 51 by striking out the word "may" in the first line of said section and inserting in lieu thereof the word "shall."

Strike out section 52 and insert in lieu thereof the following:

52. Whiskey, brandy, rum, gin and other spirituous liquors shall be put in bottles that hold only one quart, in bottles that hold only one pint, in bottles that hold only one-half pint, in bottles that hold only one-quarter pint, in bottles that hold only one-eighth of a pint and in bottles that hold only one-sixteenth of a pint, to the end that persons may be able to buy whiskey, brandy, rum, gin or other spirituous liquors in the small quantities above mentioned. No whiskey, brandy, rum, gin or other spirituous liquors shall be put in any vessels other than bottles, or in bottles that hold more than one quart. The purchasing agent may, however, buy vinous and malt liquors bottled in standard sized bottles and the dispensers may sell the same in the bottles in which it is bought.

Amend section 82 by inserting after the words, "his net profits" the words "and to the State ten per cent. of such net profits."

Amend section 84 by adding at the end of said section and as a part of said section the following: "Provided that not exceeding ten per cent. (10%) of the money so paid to the county treasurer may be used by the court of county commissioners in paying pensions to confederate veterans of their county who may be entitled to receive pensions under the general pension laws of the State."

Amend by striking out section 93 and inserting in lieu thereof the following:

Section 93. That upon complying with the provisions of this act as far as the same are applicable and upon securing a license from the probate judge of the county, and paying an annual license tax of \$1,500.00, any person may operate a distillery or brewery in any dispensary county and may sell the product of such

brewery or distillery at wholesale to any dispensary or dispensaries being operated in said county, and may exercise all such rights with respect to shipping such product to dispensaries and saloons beyond the borders of said county as would be possessed by him were the said county one wherein the manufacture and sale of spirituous, vinous or malt liquors by private dealers under license were authorized by law.

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Any person who sells any spirituous, vinous or malt liquors or intoxicating drinks or beverages of any kind in any dispensary county, except as in this section above authorized, or by and through a dispensary as herein provided, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than twenty-five dollars nor more than five hundred dollars, and, at the discretion of the judge trying the case, may also be imprisoned in the county jail for a period of not less than three months nor more than twelve months. All license taxes collected under the provisions of this section shall be paid over and distributed in all respects as herein provided with respect to license taxes collected from manufacturers or dealers in said liquors in those counties wherein the manufacture and sale of such liquors under license is authorized.

Amend section 94 by striking out the words, "and a majority of said electors residing in said town or city vote in favor of the manufacture, sale or other disposition of spirituous, vinous or malt liquors."

Amend by adding the following section:

Section 96. That nothing in this act shall affect any prosecution pending before the courts of this State.

Amend section 7 of the bill as amended by inserting immediately before the words, "where the total number," the following words: "provided that the licenses issued to bona fide hotels having thirty or more rooms in cities of class A, B, or C, shall not be counted or considered in determining the number of licenses which may be issued under the foregoing provisions of this section."

Amend section 13 by striking out on line three of said section the words "ten per centum" and insert in lieu thereof the words "twenty per centum" and further amend by striking out on line four of said section the words "forty-five per centum" and inserting in lieu thereof the words "forty per centum" and by striking out on line five of said section the words "forty-five per centum" and inserting in lieu thereof the words "forty per centum."

Amend House bill 563 by adding thereto the following:

"Section 95. Should any of the cities of this State herein classified as class A cities be organized at the time of the passage of this act, or at any time thereafter, under what is known as the commission form of government, then no excise commission shall be appointed for such cities, but all the powers and duties which would otherwise have been conferred by this act upon the excise commission for such city shall devolve upon and be exercised by the board of commissioners of such city."

Amend by striking out section 83 and inserting in lieu thereof the following:

"Section 83. Town or city, share of money; how apportioned. The money so paid to the treasurer of the town or city shall be exclusive property of such town or city, and may be used by the legislative body thereof in any way in which said body is authorized to spend the money of said city or town.

Amend section 33 by adding after the word "morning" in the 6th line thereof the following: "that the preceding provisions of this section shall not apply to bona fide social clubs regularly authorized under the terms of this act."

Amend by striking out section 95 of the amended bill.

Amend section three (3) by adding at the end thereof the following: "The chairman of such excise commission in such counties of over one hundred thousand inhabitants shall receive a salary of thirty-six hundred

dollars per annum and the salary of each of the associate members of such excise commission shall be three thousand dollars per annum and the salary of the clerk of such commission shall be eighteen hundred dollars per annum, which several salaries shall be in lieu of all salaries provided for in this act for the excise commission of the cities and towns in such counties."

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Amend section 36 by adding thereto the following: "Provided further that nothing herein shall prevent the sale of such liquors in the basement of office buildings."

Amend section 33 by adding immediately after the words, "or other merchandise" where said words appear together in line eleven of said section, the following words, "except cigars, tobacco, cigarettes, pipes and cigarette paper."

Amend section eleven as amended by striking out the word "ten" where said word appears after the word "exceed" and insert in lieu thereof the word "fourteen."

Amend by striking out of section twelve (12) the following words: "organized at least three years before making application for license and in operation continuously since such organization and."

Amend section five (5) by adding at the end thereof the following: "provided that from the licenses collected in counties of more than one hundred thousand population wherein there is an excise commission for the county, there shall be paid to the State treasurer out of the first license taxes collected each year the sum of \$11,400 from which the commissioners and the clerk shall be paid as other like officers are to be paid."

Amend section 26 of the bill as amended by striking therefrom the following words: "Provided, that the sale of all forms of adulterated, spirituous, vinous and malt liquors is strictly prohibited, even though they be properly labeled; as is also the sale of any spirituous liquor fabricated, manufactured, or made by any method other than the legitimate process of distillation."

And by inserting in lieu of the words so stricken the following words: "Provided further that the sale of all forms of fabricated, imitation or adulterated spirituous, vinous or malt liquors is strictly prohibited, even though they be properly labelled."

Amend by adding to amendment number 3 the following words: "In cities of classes A, B and C."

And asked for a committee of Conference. The Speaker appointed as a committee of Conference on part of the House, Messrs. Smith, Pitts and Merritt.

Mr. Walker gave notice that on tomorrow he would move to take from the adverse calendar H. 660.

#### GOVERNOR'S MESSAGE.

The following message from the governor was received and the same was ordered spread upon the Journal:

Montgomery, Ala., April 4th, 1911.

To the Senate and House of Representatives:

I respectfully invite your thoughtful and immediate attention to three bills now pending and which are intended to give needed relief and are of the greatest importance.

One of these (H. 470) provides for the erection of another wing to the capitol building. When the last addition was made to the capitol it was contemplated that so soon as the business of the State required it, and the condition of the treasury would permit, there should be erected a similar addition on the northern side of the building. The business of the State of Alabama has greatly increased and it is a matter of public notoriety that the building is now insufficient to meet the requirements of the State, and I take it that every member of your honorable body is convinced of the absolute need of this additional wing. It is contemplated that this wing shall be added when, in the opinion of the governor, the condition of the treasury will jus-



tify it, and I earnestly urge upon your honorable body a favorable consideration of this bill and its immediate enactment into law. You have given to the State what I believe to be an excellent revenue bill and I trust that the financial condition of the State will soon be upon a firm basis and that the treasury will soon be in a condition to justify the contemplated improvement.

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One of the other measures now pending before you (S. 348.) authorizes the governor to lease such rooms or buildings in the city of Montgomery as he may deem necessary for the use of the State or its officials until the wing contemplated by the bill above mentioned has been completed. Until the new wing has been completed the capitol building will, as every one knows, be insufficient to meet the demands of the State and furnish to all of its officials the offices needed by them, and I sincerely trust that you will take this matter, also, under your immediate and favorable consideration and see that this bill is enacted into law before your adjournment.

The other bill to which your attention is called (H. 537) is a bill which authorizes the governor to employ a file clerk and stenographer, whose pay shall be \$1,500.00 per annum. As the law now stands the governor has in his office a private secretary, a recording secretary and a messenger. The governor has at this time a stenographer on the salary of a messenger—\$900.00 per annum—and it is evident to all men that it is impossible for the governor to maintain in his office a competent file clerk and stenographer on such a salary. As the business of the State has increased, the business of the governor's office has correspondingly increased, and I feel confident that it is only necessary for me to call your attention to the absolute necessity for the immediate passage of this bill.

This bill as originally introduced contained a provision authorizing the governor, whenever in his judgment he deemed it to the interest of the State to do so, to employ an attorney or attorneys, to be paid out of any funds of the treasury not otherwise appropriated. Under the constitution of the State of Alabama the ses-

sion of the Legislature is limited to fifty (50) days, and each of you who will take a calm and dispassionate view of the situation will, I feel confident, agree that the bill last mentioned should be amended so as to contain this provision. It is impossible for any governor, no matter whether he is a lawyer or not, to keep up with the affairs of the State during the session of the Legislature and pass upon the numerous bills brought to him constantly for signature without the aid of trained counsel. It has been said that more bills have been declared to be unconstitutional since the adoption of our last constitution than had been annulled for the same reason by our courts during the entire history of the State; and this would indicate the absolute necessity for this relief. While the State has an attorney general and assistant attorney general their time is devoted exclusively to the performance of duties which are already prescribed by law, and at times, when the Legislature is not in session, it is of the gravest importance to the State and to the proper execution of the laws that the governor should possess the power to employ counsel to protect the interest of the State, or to conduct proceedings instituted for the purpose of enforcing the laws.

Emmet O'Neal,  
Governor.

#### MOTION TO RECONSIDER.

Mr. Martin of Calhoun moved to reconsider the vote by which the bill, S. 25, was passed, on Friday, the 31st day of March, 1911.

Mr. Fuquay moved to table the motion of Mr. Martin of Calhoun and the motion to table was lost.

Yeas, 28; nays, 45.

Yeas:

Messrs:—

Bell (Autauga)	Brown (Tuscaloosa)	Fuquay
Brindley	Burton	Gewin
Boswell	Eastis	Helms

Hood	Molton	Strickland
James	McCurdy	Waites
Johnson (Clarke)	Page	Walden
Lane	Pittman	Walker
Mastin	Popwell	Whatley
Mathews	Richeson	Wright
Merrill		

—28

**Nays:****Messrs:—**

Speaker	Johnson (Marshall)	Parks
Acker	Jones	Pitts
Avery	Kilburn	Preston
Barnard	Knight	Pruett
Brown (Pike)	Lawson	Quinn
Bush	Letson	Ramsey
Butt	Lloyd	Roberson
Capps	Lumpkin	Rylance
Carroll	Martin (Calhoun)	Smith
Chamberlain	Martin (Jackson)	Stollenwerck
Darden	Merritt	Sturdivant
Dennis	McDonald	Sullivan
Flanagan	McGowen	Thomas
Jackson	Nicholson	Waddell
Jenkins (Bullock)	Overton	Wheless

—45

Mr. Williams stated that he was paired with Mr. Arnold. If Mr. Arnold were present he would vote nay and Mr. Williams would vote yea.

Mr. Merritt moved to reconsider the vote by which the bill was ordered to a third reading and the motion prevailed.

The question was upon the adoption of the amendment offered by Mr. Brindley; said amendment being as follows:

Amend the caption of the bill and the bill by striking out the words "sixty thousand" where such words appear in the caption and the body of the bill and insert in lieu thereof the words "forty thousand," and by striking out the words "fifteen thousand" where they occur in the bill and inserting in lieu thereof the words "ten thousand."

On motion of Mr. Merritt the amendment offered by Mr. Brindley was laid upon the table.

Mr. Richeson offered the following amendment to the bill:

Amend bill by changing the words "\$60,000" to "\$40,00 and the further sum of \$20,000 if in the opinion of the governor the condition of the treasury is sufficient to pay the same."

On motion of Mr. Merritt the amendment was laid upon the table.

And the bill:

S. 25. To appropriate sixty thousand dollars for the aid of the State normal school at Jacksonville, Alabama.

Was read a third time at length and passed.

Yeas, 57; nays, 26.

Yeas:

Messrs:—

Speaker	James	Nicholson
Acker	Jenkins (Baldwin)	O'Neill
Avery	Johnson (Marshall)	Overton
Barnard	Jones	Parks
Brindley	Kilburn	Pegram
Brown (Pike)	Knight	Pitts
Bush	Lane	Preston
Butt	Lavender	Quin
Capps	Lawson	Ramsey
Carroll	Lee	Rice
Chamberlain	Letson	Rylance
Cranford	Lloyd	Smith
Darden	Lumpkin	Stollenwerck
Dennis	Martin (Calhoun)	Sullivan
Fletcher	Martin (Jackson)	Thomas
Gewin	Merritt	Waddell
Horton	Mulkey	Waltes
Huddleston	McDonald	Walker
Jackson	McGowan	Wheless

## Nays:

Messrs:—

Bell (Autauga)	Mastin	Richeson
Burton	Mathews	Roberson
Eastis	Merrill	Sanders
Edmonds	Milner	Sturdivant
Flanagan	Molton	Twombly
Fuquay	McCurdy	Walden
Helms	Pittman	Whatley
Hood	Popwell	Wright
Jenkins (Bullock)	Pruett	

—26

## MESSAGE FROM THE SENATE.

Mr. Speaker: •

The Senate accedes to the request of the House for a committee of Conference on the disagreement of the two Houses on the Senate amendments to:

H. 563. To regulate the manufacture, sale and other disposition of spirituous, vinous and malt liquors in the incorporated towns and cities in the State of Alabama whenever such manufacture, sale or other disposition is authorized at and by an election by the qualified electors of the county in which such town or city is situated, for determining in and by such elections whether the sale of such liquors shall be by dispensary or by private dealers under license, to regulate the establishment and operation of such dispensaries as may be so authorized; to provide for the creation of an excise commission in such cities or towns in which the manufacture and sale of said liquors are authorized as herein provided; to prescribe the power and duties of such excise commission wherein the manufacture and sale of said liquors under license is authorized as herein provided; to prescribe the amount of license taxes to be paid by each licensee and the respective portions of the net revenue of each dispensary to be paid, respectively to the state, city or town operating the same, and the county in which the same is operated; to require a bond of each licensee and prescribe its office, purpose and liabilities; to pro-

hibit the manufacture, sale, barter, exchange or giving away to induce trade of said liquors, or any other intoxicating liquors or beverages in the State of Alabama, except as authorized by this act, and under a license obtained and held as in this act provided, and to make unlawful, and to prescribe penalties and punishments for all violations of this act.

Committee on part of the Senate: Messrs. Stevens, Fite and Atkins.

And returns said bill herewith to the House.

J. A. Kyle,  
Secretary.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The President and presiding officer of the Senate having signed the following Senate bills:

S. 277. An act to amend an act entitled an act to provide a better system of public roads for Blount county, approved Feb. 27th, 1907.

S. 369. An act to provide for the appointment by the sheriff of Montgomery county, Alabama, of an assistant night jailor, to fix his compensation and prescribe his duties.

S. 413. An act to vacate certain streets in the town of Marion.

Your signature thereto is requested.

J. A. Kyle,  
Secretary.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing message from the Senate.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker :

The committee on Enrolled Bills have examined the following House bills:

H. 79. Providing for the registration, licensing, identification, and regulation of motor vehicles operated upon the public highways of this State and fixing liability for persons riding therein, and providing penalties and punishment for violations of the provisions of said act.

H. 144. To create and establish a State board of mediation and arbitration and providing for the submission of labor controversies between employers and employees to local arbitrators and to the State board of mediation and arbitration; defining the duties of said boards, fixing their powers, providing for their appointment and selection, their compensation and for the compensation of witnesses, the terms of office of the members of the State board and for the manner of payment of cost incurred.

H. 184. To prohibit the transportation of cotton seed and unginned cotton from any county in Alabama where the cotton boll weevil is known to exist to any county in Alabama where the cotton boll weevil is not known to exist, and to provide for the condemnation and destruction of any cotton or cotton seed so shipped.

H. 207. To amend section 6878 of the code of Alabama of 1907.

H. 240. To regulate the disposition and disbursement of witness fees collected by clerks of courts of record and which fees have not been paid out to the parties entitled thereto within two years after collected by the clerk.

H. 250. To amend section 6215 of the code of Alabama of 1907.

H. 252. To amend section 6573 of the code of Alabama of 1907.

H. 269. To better provide for reports of deaths, and to prescribe penalties for failure to comply with the provisions of this act.

H. 283. To amend sections 28, 29 and 32 of the code of Alabama of 1907.

H. 300. To authorize the reformation of deeds, mortgages and other conveyances of land, containing an erroneous description at the suit of any person claiming title directly or remotely from the grantee in such deed, mortgage or other conveyance.

H. 316. To regulate the assignment of unearned salaries and wages of persons in the State and to prescribe conditions under which such assignments may be made.

H. 363. To amend section 2846 of the code of Alabama of 1907.

H. 582. To alter, to re-arrange the boundaries of the town of Athens, Limestone county, Alabama.

H. 619. To amend section 1357 of the code of Alabama of 1907.

H. 621. In aid of the public school system of Mobile county under the administration of the board known as the Mobile school commissioners.

H. 622. To authorize the board known as the Mobile school commissioners to become indebted in anticipation of income, for maintenance and operation of schools of Mobile county.

H. 623. To authorize and empower the City of Mobile and the County of Mobile to make appropriations from funds in their respective Treasuries to be paid to the Mobile School Commissioners for the erection and equipment of a public high school building and other public school buildings in the City of Mobile and County of Mobile.

And find same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.

#### SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum pres-



ent of the House, signed the bills the titles to which are set out in the above and foregoing report from the committee on Enrolled Bills.

# RECESS.

The hour of one o'clock having arrived, the House recessed until 3 o'clock P. M.

# AFTERNOON SESSION.

The hour of 3 o'clock having arrived, the House reconvened.

# MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill:

H. 244. To prescribe the duties and powers and to fix the compensation of the county superintendents of education of the several counties of this State.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

# SENATE MESSAGE.

On motion of Mr. Hollis of Choctaw, the House concurred in and adopted the amendment offered by the Senate to the bill H. 244, said Senate amendment being as follows:

Amend section two of the bill by inserting the word "State" immediately before the words "public money" where said words appear together in the first line of said section of the engrossed bill, H. 244.

Yeas, 69; nays, 0.

Yeas:

Messrs:—

Speaker	Bell (Autauga)	Brown (Pike)
Acker	Brewer	Brown (Tuscaloosa)
Avery	Boswell	Burton

Bush	Knight	Preston
Capps	Lavender	Pruett
Carroll	Lee	Quin
Chamberlain	Letson	Ramsey
Cranford	Lloyd	Richeson
Darden	Lumpkin	Rylance
Dennis	Martin (Jackson)	Smith
Edmonds	Mathews	Strickland
Flanagan	Merrill	Stollenwerck
Fuquay	Merritt	Sturdivant
Gewin	Molton	Sullivan
Helms	Mulkey	Thomas
Hood	McDonald	Twombly
Horton	McGowen	Waddell
Jackson	Nicholson	Waits
Jenkins (Baldwin)	O'Neill	Walden
Johnson (Clarke)	Overton	Walker
Johnson (Marshall)	Pittman	Whatley
Jones	Pitts	Wheeless
Kilburn	Popwell	Wright

—69

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 476. To amend sections 999 and 1005 of the code of Alabama of 1907.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

The Senate bill the title to which is set out in the above and foregoing Senate message was read one time and referred to an appropriate standing committee as follows:

S. 476, Mining and Manufacturing.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker :

The committee on Engrossed Bills have examined the following House bills:

H. 634. To amend an act entitled an act for the improvement of the roads of Tuscaloosa county, approved February 26th, 1907, by amending sections two and five of said act, and by repealing section 12 of said act, and by adding a section to be designated as section 15 to make it unlawful for any person to deaden or girdle any tree on or near a public road, or to leave standing on or near a public road any tree which has been deadened or girdled by any person who owns or has control of the land on which such tree may stand and to prescribe the punishment for violations of this section.

H. 768. To amend section 3 of the act to establish a high school for Dale county to be located at Ozark, Alabama, approved August 9th, 1907.

H. 786. To repeal an act to reduce and regulate the payments of ex-officio fees so far as it relates to Lamar county, Alabama, approved on February 21st, 1903.

H. 789. To repeal an act approved on January 30th, 1891, to reduce the fees of the probate judge of Lamar county in certain cases.

H. 736. To require the court of county commissioners of Crenshaw county to appropriate funds for the purchase of bloodhounds for the use of said county; to provide a place for the keeping of said bloodhounds and to provide for their maintenance.

H. 371. To amend section 3229 of the code of Alabama.

H. 432. To amend section 3232 of the code of Alabama.

H. 785. To amend an act entitled an act to authorize and require the commissioners' court of Lamar county to set apart and appropriate money from the general fund of said county with which to pay and discharge certificates of State's witnesses issued by the foreman of the grand jury and by the clerk of the circuit court of said county, for, which by law, became a

good claim against the fine and forfeiture fund of said county after the approval of this act and to regulate the manner of said payments and fixing the amount of said witness fees, approved December 3, 1896.

H. 776. To repeal an act to prohibit and punish unlawfully and knowingly permitting live stock to run at large in stock law districts or territory in which such stock are prohibited to run at large, approved August 19th, 1909, so far as it relates to Sumter county.

H. 787. Entitled an act to repeal an act to fix and regulate the fees of the deputy solicitor of Lamar county, Alabama, approved on the first day of October, 1903.

And find same correctly engrossed.

A. K. Merrill,  
Chairman.

The report of the committee was concurred in.

#### RESOLUTION.

Mr. Butt offered the following resolution:

Resolved, the Senate concurring, That House bill 323 be returned to the House for further amendments.

On motion of Mr. Smith the resolution was laid upon the table.

#### BILLS ON THIRD READING.

H. 49. To require tailors and tailoring companies doing business in the State of Alabama to pay a license tax to the municipality where it is located and upon the payment of said license tax, to exempt the same from the payment of a license tax to any other municipality in the State and to repeal conflicting laws.

Was read a third time at length and passed.

Yeas, 63; nays, 10.

**Yeas:**

Messrs:—

Speaker	Hood	Nicholson
Acker	Horton	O'Neill
Avery	Huddleston	Overton
Bell (Autauga)	Jackson	Popwell
Brindley	Jenkins (Baldwin)	Preston
Boswell	Jenkins (Bullock)	Pruett
Brown (Pike)	Johnson (Clarke)	Quinn
Brown (Tuscaloosa)	Johnson (Marshall)	Ramsey
Burton	Jones	Rice
Bush	Kilburn	Richeson
Butt	Lane	Sanders
Chamberlain	Lavender	Smith
Cranford	Lee	Strickland
Darden	Letson	Stollenwerck
Eastis	Lloyd	Sturdivant
Edmonds	Lumpkin	Sullivan
Flanagan	Martin (Calhoun)	Thomas
Fuquay	Milner	Twombly
Gewin	Molton	Waites
Helms	McDonald	Walden
Hollis (Choctaw)	McGowen	Walker

—63

**Nays:**

Messrs:—

Dennis	Pegram	Waddell
Merrill	Pittman	Whatley
Mulkey	Rylance	Wheless
Page		

—10

H. 667. To make the fees of constables in all the counties of the State the same as sheriffs' fees when they perform in the same or similar services, except in criminal cases.

Was read a third time at length and passed.

Yeas, 66; nays, 8.

**Yeas:****Messrs:—**

Speaker	Hood	Overton
Acker	Huddleston	Popwell
Brindley	Jackson	Preston
Boswell	James	Pruett
Brown (Pike)	Jenkins (Baldwin)	Quinn
Brown (Tuscaloosa)	Jenkins (Bullock)	Ramsey
Burton	Johnson (Marshall)	Rice
Bush	Jones	Richeson
Butt	Kilburn	Roberson
Capps	Knight	Rylance
Carroll	Lavender	Sanders
Chamberlain	Lee	Strickland
Cranford	Letson	Stollenwerck
Darden	Lloyd	Sturdivant
Dennis	Martin (Calhoun)	Sullivan
Eastis	Mathews	Thomas
Edmonds	Merritt	Twombly
Flanagan	Milner	Waddell
Fletcher	Molton	Waits
Fuquay	McDonald	Walden
Gewin	McGowen	Wheless
Helms	Nicholson	Wright

—66

**Nays:****Messrs:—**

Bell (Autauga)	Page	Walker
Merrill	Pegram	Whatley
Mulkey	Pittman	

—8

H. 126. To make appropriation for buildings, machinery, equipment and other necessary improvements at the Alabama industrial school for white boys.

Was read a third time at length and passed.

Yeas, 69; nays, 6.

**Yeas:****Messrs:—**

Speaker	Barnard	Brindley
Acker	Bell (Autauga)	Boswell
Avery	Brewer	Brown (Pike)

Brown (Tuscaloosa)	Johnson (Clarke)	Page
Bush	Johnson (Marshall)	Pegram
Butt	Jones	Pittman
Capps	Kilburn	Popwell
Carroll	Knight	Preston
Chamberlain	Lane	Pruett
Cranford	Lavender	Quinn
Darden	Letson	Rice
Dennis	Lloyd	Roberson
Eastis	Lumpkin	Rylance
Flanagan	Martin (Calhoun)	Smith
Fletcher	Martin (Jackson)	Stollenwerck
Fuquay	Merrill	Sturdivant
Gewin	Molton	Sullivan
Griffith	Mulkey	Thomas
Helms	McDonald	Waddell
Hollis (Choctaw)	McGowen	Waits
Horton	Nicholson	Walden
Jackson	O'Neill	Walker
Jenkins (Bullock)	Overton	Wilhite

—69

Nays:

Messrs:—

Edmonds	Mastin	Milfer
Hood	Mathews	Sanders

—6

H. 426. To make the public drinking of intoxicating liquors or beverages on railway cars or street cars or in a railway waiting room a misdemeanor and to provide the punishment therefor.

Was read a third time at length and passed.

Yeas, 77; nays, 0.

Yeas:

Messrs:—

Speaker	Brown (Pike)	Carroll
Acker	Brown (Tuscaloosa)	Chamberlain
Avery	Burton	Cranford
Barnard	Bush	Darden
Brindley	Butt	Dennis
Boswell	Capps	Edmonds

Flanagan	Lloyd	Pruett
Fletcher	Lumpkin	Quinn
Fuquay	Martin (Calhoun)	Ramsey
Gewin	Mastin	Rylance
Greene	Mathews	Smith
Griffith	Merritt	Strickland
Helms	Milner	Stollenwerck
Hood	Molton	Sturdivant
Horton	Mulkey	Sullivan
Jackson	McCurdy	Thomas
James	McDonald	Twombly
Jenkins (Bullock)	McGowen	Waddell
Johnson (Clarke)	Nicholson	Waits
Johnson (Marshall)	Overton	Walden
Jones	Page	Whatley
Lane	Pegram	Wheeless
Lavender	Pittman	Wilhite
Lawson	Pitts	Williams
Lee	Popwell	Wright
Letson	Preston	

—77

H. 384. To make an appropriation for the maintenance and support of the Mercy Home Industrial School for girls located at Birmingham, Alabama, for the years 1911, 1912, 1913 and 1914, and also to provide for the commitment of delinquent white girls in Alabama between the ages of 12 and 16 years inclusive by the courts of the State which may have jurisdiction over juvenile delinquents, and to provide for their control and support while there, and also to provide that the governor and the attorney general of the State shall be ex-officio members of the board of managers of said school.

Was read a third time at length and passed.

Yeas, 80; nays, 1.

Yeas:

Messrs:—

Speaker

Acker

Avery

Barnard

Brindley

Boswell

Crown (Pike)

Brown (Tuscaloosa)

Burton



Bush	Johnson (Clarke)	Pegram
Butt	Johnson (Marshall)	Pitts
Capps	Jones	Popwell
Carroll	Kilburn	Preston
Chamberlain	Knight	Pruett
Cranford	Lavender	Quinn
Darden	Lawson	Ramsey
<del>Donne</del>	<del>Lee</del>	<del>Rice</del>
Eastis	Letson	Richeson
Edmonds	Lloyd	Rylance
Flanagan	Lumpkin	Strickland
Fletcher	Martin (Calhoun)	Stollenwerck
Fuquay	Martin (Jackson)	Sturdivant
Gewin	Mastin	Sullivan
Greene	Mathews	Thomas
Griffith	Molton	Twombly
Helms	Mulkey	Waddell
Hollis (Choctaw)	McDonald	Waits
Hood	McGowen	Walden
Horton	Nicholson	Whatley
Huddleston	O'Neill	Wheeless
Jackson	Overton	Wilhite
James	Page	Williams
Jenkins (Bullock)		Wright

—80

Nays:

Mr. Milner.

—1

## GOVERNOR'S MESSAGE.

On motion of Mr. Jackson the House concurred in and adopted the amendment proposed by the governor to the bill, H. 323, said governor's amendment being as follows:

Montgomery, Ala., April 4th, 1911.

To the House of Representatives:

I herewith return House bill 323 without my approval, and suggest the following amendments to meet my objections thereto:

Amend section 5 1-2 by inserting in line 37 thereof, after the word "board" and before the word "may," the words "of education." By striking out the word "according" which is at the beginning of the 48th line of said section, and inserting in lieu thereof the word "accruing." By striking out the word "book" where it occurs in the 97th line of said section, and insert in lieu thereof the word "books." By striking from the 128th and 129th lines the word "operative," and inserting in lieu thereof the word "operation."

Amend section 7 by striking from line 23 the word "providing" and inserting in lieu thereof the word "provided."

Amend section 8 by striking from lines 59 and 66 the word "charter" where it occurs in said lines, and inserting in lieu thereof the word "act."

Amend section 9 by striking from it all from and including the first word therein, down to and including the words "qualify for office" in line 10, and inserting in lieu thereof the following:

"In every city which shall become organized according to the provisions of this act an election shall be held at the time designated in this act for the initial election herein provided for, and subsequently, on the third Monday in September after the expiration of four years after it shall have become so organized and on the same date of every succeeding fourth year for the election of the president and other members of the board of commissioners whose terms shall expire in that year; the president and commissioners then elected shall hold office for a term of four years from the first Monday in October of said year and until their successors are elected and shall qualify for office."

Amend section 13 1-2 by striking from line 13 the words "initial election for commissioners" and inserting in lieu thereof the words "election held in said city."

Amend section 18 1-2 by striking from it all that part, commencing with and including the words "That in case," in line 55, through and including the words "forty dollars per month" in line 75 of said section.

Amend section 19 by striking from the second line of said section the words "pamphlet from" and inserting in lieu thereof the words "pamphlet form."

Emmet O'Neal,  
Governor.

Yeas, 72; nays, 7.

---

**Yeas:**

Messrs:—

Acker	Huddleston	Page
Avery	Jackson	Pegram
Barnard	James	Pittman
Bell (Autauga)	Jenkins (Bullock)	Pitts
Brewer	Johnson (Marshall)	Popwell
Boswell	Jones	Preston
Brown (Pike)	Lavender	Pruett
Burton	Lawson	Quinn
Bush	Lee	Ramsey
Capps	Letson	Rice
Carroll	Lloyd	Roberson
Chamberlain	Lumpkin	Rylance
Cranford	Martin (Calhoun)	Smith
Darden	Martin (Jackson)	Strickland
Dennis	Mathews	Sturdivant
Eastis	Milner	Twombly
Flanagan	Molton	Waddell
Fletcher	Mulkey	Walden
Fuquay	McCurdy	Walker.
Gewin	McDonald	Whatley
Greene	McGowen	Wheless
Griffith	Nicholson	Wilhite
Hollis (Choctaw)	O'Neill	Williams
Horton	Overton	Wright

—72

**Nays.**

Messrs:—

Brindley	Hood	Mastin
Butt	Knight	Merritt
Helms		

—7

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from his excellency, the governor, with his objections and proposing an amendment to:

S. 341. To provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government.

And the Senate has amended the bill as proposed by the governor by adopting and concurring in such proposed amendment.

Yeas, 23; nays, 0.

Which is a majority of the whole number elected to the Senate, and the Senate herewith sends said bill with the governor's message and proposed amendment herewith to the House of Representatives.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

On motion of Mr. Bush the House concurred in and adopted the amendment proposed by the governor to the bill, S. 341, the title to which is set out in the above

and foregoing Senate message, said governor's amendment being as follows:

Add to the bill section 6 1-2 to read as follows:

"Sec. 6 1-2. That health and quarantine matters shall be administered in accordance with the established public health system of the State, and such public health laws as are now in force, or may hereafter be enacted, also in accordance with existing city ordinances and such ordinances as the board of commissioners may hereafter legally enact. Nothing in this act shall be construed so as to affect the powers with which the State board of health is now or may hereafter be legally invested."

Amend Sec. 17 by striking from line 5 of said section the words "any commissioner or," and by striking from lines 7 and 8 of said section the words "for the office of commissioner or."

Amend Sec. 20 by adding at the end thereof the following:

"The governor is authorized at any time to have all the books and accounts of such city examined by a State examiner of public accounts, the cost of such examination to be paid by such city upon the presentation to the president of the board of commissioners of such city of a duly verified statement of such expense made by such examiner of public accounts, approved by the governor."

Yeas, 75; nays, 0.

Yeas:

Messrs:—

Acker	Carroll	Griffith
Avery	Chamberlain	Helm
Barnard	Dennis	Hollis (Choctaw)
Boswell	Doswell	Hood
Brown (Pike)	Eastis	Huddleston
Brown (Tuscaloosa)	Edmonds	Jackson
Burton	Flanagan	James
Bush	Fletcher	Jenkins (Bullock)
Butt	Fuquay	Johnson (Clarke)
Capps	Gewin	Johnson (Marshall)

Kilburn	Molton	Rylance
Knight	Mulkey	Sanders
Lane	McCurdy	Strickland
Lavender	McDonald	Stollenwerck
Lawson	McGowen	Sturdivant
Lee	Nicholson	Sullivan
Letson	O'Neill	Thomas
Lloyd	Overton	Twombly
Lumpkin	Page	Waddell
Martin (Calhoun)	Popwell	Walker
Martin (Jackson)	Preston	Whatley
Mastin	Pruett	Wheeless
Mathews	Quin	Wilhite
Merritt	Ramsey	Williams
Milner	Richeson	Wright

—75

## GOVERNOR'S MESSAGE.

On motion of Mr. Jackson the House concurred in and adopted the amendment proposed by the governor to the bill, H. 254, said governor's amendment being as follows:

Montgomery, Ala., April 4th, 1911.

To the House of Representatives:

I herewith return House bill 254 without my approval, and suggest the following amendment to meet my objection thereto:

Insert after the figures "7833" in the fourth line thereof the words "of the code of Alabama," and by inserting after the word "follows" in the 5th line of the bill, and before the word "that," the figures "7833."

These clerical errors might be important on a technical construction of the act.

Emmet O'Neal,  
Governor.

Yeas, 65; nays, 3.

Yeas:

Messrs:—

Avery	Bell (Autauga)	Brown (Tuscaloosa)
Avery	Brindley	Bush
Barnard	Boswell	Capps

# 2214 JOURNAL HOUSE REPRESENTATIVES, 1911.

Carroll	Knight	Page
Chamberlain	Lane	Pitts
Cranford	Lavender	Popwell
Dennis	Lawson	Preston
Edmonds	Lee	Pruett
Flanagan	Letson	Quinn
Fletcher	Lloyd	Ramsey
Fuquay	Lumpkin	<del>Richeson</del>
Greene	Martin (Calhoun)	Rylance
Helms	Martin (Jackson)	Sanders
Hollis (Choctaw)	Mastin	Stollenwerck
Hood	Mathews	Sullivan
Jackson	Milner	Twombly
James	Molton	Waddell
Jenkins (Bullock)	McCurdy	Waits
Johnson (Clarke)	McDonald	Wheeless
Johnson (Marshall)	McGowen	Wilhite
Jones	Nicholson	Wright
Kilburn	O'Neill	

—65

Nays:

Messrs:—

Merritt

Mulkey

Pegram

—3

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

By Mr. Merrill:

S. J. R. 126. Resolved by the Senate, the House concurring, That the governor be requested to return Senate bill 262 for further consideration.

And sends same herewith to the House.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

The House concurred in and adopted the Senate joint resolution which is set out in the above and foregoing Senate message.

RECESS.

The hour of 5:30 having arrived, the House recessed until 8 o'clock P. M.

NIGHT SESSION.

The hour of 8 o'clock having arrived, the House reconvened.

Mr. Waddell gave notice that on tomorrow he would move to take S. 405 from the adverse calendar.

On motion of Mr. Mulkey the bill, S. 60, was recommended to the standing committee on Revision of Laws.

Mr. Green called up his motion to take the bill, S. 156, from the adverse calendar. The motion prevailed, and the bill:

S. 156. To appropriate the sum of two thousand dollars upon certain conditions to the Ladies Memorial Association of Selma, Alabama, for the purpose of aiding said association to erect a memorial to the Hon. John Tyler Morgan and Edmund Winston Pettus, late United States Senators of Alabama.

Was read a second time and placed upon the regular calendar of the House.

Mr. Rice called up the motion to take the bill, S. 405, from the adverse calendar. The motion prevailed and the bill:

S. 405. To amend section 5970 of the code of Alabama.

Was placed upon the regular calendar of the House.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 127. To make appropriation for the maintenance of the Alabama industrial school for white boys for the years 1911, 1912, 1913 and 1914, and to make provision for an existing indebtedness of said school.



H. 658. To appropriate the sum of \$43.10 for the year 1910 to Mary Snow, the widow of James Snow, an ex-confederate soldier, as a confederate pensioner for said year, her name having been erroneously omitted from the list of pensioners for that year.

H. 610. To amend section eight hundred and ninety-five (895) of the code of Alabama.

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H. 541. To establish a board of revenue for Covington county.

H. 659. To appropriate the sum of \$43.10 for the year 1910 to Mrs. M. M. Wise, the widow of T. B. Wise, an ex-confederate soldier, as a confederate pensioner for said year, her name having been erroneously omitted from the list of pensioners for that year.

H. 534. To confer additional jurisdiction upon the county court of Winston county, Alabama, and to regulate the proceedings therein.

H. 680. To authorize the board of revenue of Jefferson county to apply a portion of the sanitary fund raised by taxation to certain construction work.

H. 502. To authorize and direct the commissioners' court of Calhoun county to draw, or cause to be drawn a warrant on the county treasurer of Calhoun county in favor of Walter Dean for the sum of five hundred nine and 28-100 dollars, in payment of the interest on money borrowed by Calhoun county from the said Walter Dean, and to authorize and direct the payment of said warrant by the county treasurer of Calhoun county out of the general funds of said county.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills:

S. 419. To regulate adverse possession of mineral interests in lands and the operation of the statute of limitations applicable thereto.

S. 425. To provide for the payment of funds due residents and subjects of foreign countries derived from

the settlement of estates or from the sale of lands for division.

S. 472. To amend section 2169 of the code of Alabama.

And sends same herewith to the House.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing Senate message were read one time and referred to appropriate standing committee as follows:

Revision of Laws, S. 419, S. 425, S. 472.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from his excellency the governor, vetoing:

S. 336. For the relief of Mrs. Prasby Hodges of Henry County.

And the Senate has sustained the governor in veto of said bill.

Yeas, 21; nays, 0.

Which is a majority of the whole number elected to the Senate, and the Senate herewith sends said bill with the governor's message and veto herewith to the House of Representatives.

J. A. Kyle,  
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 333. To amend sections 2340, 2341, 2343, and 2344, of the code of Alabama.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message was read one time and referred to an appropriate standing committee as follows:

~~Revision of Laws, S. 322.~~

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MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 337. To amend section 3021 of the code of Alabama of 1907.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message, was read one time and referred to appropriate standing committee as follows:

Revision of Laws, S. 337.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment, proposed by his excellency, the governor to:

H. 323. To provide and create a commission form of municipal government and to establish same in all the cities of Alabama which now have or which may hereafter have, a population of as much as twenty-five thousand and less than fifty thousand people according to the last federal census, or any such census which may hereafter be taken; to regulate the selection and elec-

tion of commissioners and their terms of office and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials and otherwise provide for the creation and maintenance of said commission form of government.

Yeas, 23; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

#### BILLS ON THIRD READING.

H. 222. To establish and maintain a reformatory for the benefit of delinquent white females, under the name of the "Alabama Home of Refuge;" to provide for its government; to prescribe the conditions and rules for admission thereto, and the methods by which and the conditions upon which courts, judges or magistrates may commit such females to said home, and to make an appropriation therefor.

Was read a third time at length and passed.

Yeas, 70; nays, 1.

#### Yeas:

Messrs:—

Speaker	Darden	James
Acker	Dennis	Jenkins (Bullock)
Avery	Eastis	Johnson (Marshall)
Barnard	Edmonds	Kilburn
Brindley	Gewin	Lawson
Boswell	Greene	Lee
Brown (Pike)	Griffith	Letson
Brown (Tuscaloosa)	Helms	Lloyd
Burtor	Hollis (Choctaw)	Lumpkin
Butt	Hood	Martin (Calhoun)
Capps	Horton	Martin (Jackson)
Carroll	Huddleston	Mathews
Cranford	Jackson	Merritt

Molton	Popwell	Sturdivant
Mulkey	Preston	Sullivan
McCurdy	Quinn	Thomas
McDonald	Ramsey	Waits
McGowen	Richeson	Walden
Nicholson	Roberson	Walker
O'Neill	Rylance	Whatley
Overton	Smith	Wheelless
Page	Strickland	Wilhite
Parks	Stollenwerck	Wright
Pegram		

—70

Nays:

Mr. Milner.

—1

H. 809. To repeal section 9 of an act to establish the Walker county law and equity court, approved December 5th, 1900, as amended by section 2 of "An Act (Approved February 15th, 1901) to amend sections 8, 9 and 26 of an act entitled an act to establish the Walker county law and equity court, approved December 5th, 1900."

Was read a third time at length and passed.

Yeas, 71; nays, 0.

Yeas:

Messrs:—

Speaker	Darden	Jenkins (Bullock)
Acker	Eastis	Johnson (Clarke)
Avery	Edmonds	Johnson (Marshall)
Barnard	Fletcher	Judge
Bell (Autauga)	Fuquay	Kilburn
Brewer	Gewin	Knight
Brindley	Greene	Lane
Brown (Pike)	Griffith	Lawson
Brown (Tuscaloosa)	Hollis (Choctaw)	Lee
Burton	Hood	Letson
Bush	Horton	Lloyd
Butt	Huddleston	Lumpkin
Capps	Jackson	Martin (Calhoun)
Cranford	James	Martin (Jackson)

Merritt	Popwell	Sullivan
Milner	Preston	Twombly
Molton	Pruett	Waddell
Mulkey	Quinn	Waits
McCurdy	Ramsey	Walden
McDonald	Richeson	Whatley
McGowen	Rylance	Wheeless
Nicholson	Strickland	Wilhite
Overton	Stollenwerck	Wright
Parks	Sturdivant	

—71

H. 811. To reimburse George E. Gordon, former county superintendent of education for Lowndes county, for the over-payment of money by him as such superintendent.

Was read a third time at length and passed.

Yeas, 72; nays, 4.

#### Yeas:

Messrs:—

Speaker	Fuquay	Molton
Acker	Gewin	Mulkey
Avery	Greene	McCurdy
Barnard	Horton	McDonald
Bell (Autauga)	Huddleston	McGowen
Brewer	Jackson	Nicholson
Brindley	James	O'Neill
Brown (Pike)	Jenkins (Bullock)	Overton
Brown (Tuscaloosa)	Johnson (Clarke)	Page
Burton	Judge	Parks
Bush	Knight	Pegram
Butt	Lane	Popwell
Capps	Lawson	Preston
Carroll	Lee	Pruett
Chamberlain	Letson	Quinn
Cranford	Lloyd	Ramsey
Darden	Lumpkin	Rice
Dennis	Martin (Calhoun)	Roberson
Eastis	Martin (Jackson)	Rylance
Edmonds	Mathews	Smith
Fletcher	Milner	Strickland

Stollenwerck	Thomas	Whatley
Sturdivant	Twombly	Wheeless
Sullivan	Waddell	Wright

—72

Nays:

Messrs:—

<del>Johnson (Marshall)</del>	<del>Richeson</del>
Kilburn	Waits

—4

S. 187. To amend section 3264 and section 3265 of the code of 1907 of Alabama as to the appointment of additional bailiffs in any court of record in any county containing 150,000 inhabitants or more and fixing their compensation.

Was read a third time at length and passed.

Yeas, 66; nays, 2.

Yeas:

Messrs:—

Speaker	Huddleston	Nicholson
Acker	Jackson	O'Neill
Avery	James	Overton
Bell (Autauga)	Johnson (Clarke)	Parks
Brown (Tuscaloosa)	Johnson (Marshall)	Pegram
Bush	Kilburn	Popwell
Butt	Knight	Preston
Capps	Lane	Prnett
Carroll	Lawson	Quin
Chamberlain	Letson	Ramsey
Cranford	Lloyd	Rice
Darden	Lumpkin	Richeson
Dennis	Martin (Calhoun)	Roberson
Fletcher	Martin (Jackson)	Smith
Fuquay	Mathews	Strickland
Greene	Milner	Stollenwerck
Griffith	Molton	Sturdivant
Helms	McDonald	Sullivan
Hood	McGowen	Thomas
Horton	McLendon	Twombly

Waddell	Walker	Wheeless
Waits	Whatley	Wilhite

—66

Nays:

Messrs:—

Edmonds	Gewin
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—2

S. 449. To repeal an act to prohibit and punish unlawfully and knowingly permitting live stock to run at large in stock law districts or territory in which such stock are prohibited to run at large, approved August 19, 1909, so far as the same relates to Sumter county.

Was read a third time at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs:—

Speaker	Hood	Overton
Acker	Jackson	Page
Avery	James	Parks
Bell (Autauga)	Jenkins (Bullock)	Pegram
Boswell	Johnson (Marshall)	Popwell
Brown (Pike)	Judge	Preston
Brown (Tuscaloosa)	Kilburn	Pruett
Burton	Knight	Quinn
Bush	Lavender	Ramsey
Butt	Lawson	Rice
Capps	Letson	Richeson
Carroll	Lloyd	Roberson
Chamberlain	Lumpkin	Rylance
Cranford	Martin (Calhoun)	Strickland
Darden	Martin (Jackson)	Stollenwerck
Dennis	Mathews	Sturdivant
Edmonds	Merritt	Sullivan
Fuquay	Molton	Waddell
Gewin	McGowen	Waits
Helms	Nicholson	Walker
Hollis (Choctaw)	O'Neill	Wilhite
		Wright

—64



S. 458. To authorize the court of revenue of Lawrence county, Alabama, to borrow not exceeding twelve thousand dollars to be used in constructing and equipping a jail for said county and to issue interest bearing county warrants for the same to run one, two and three years, and to be borrowed from the party offering to ~~make the loan at the lowest rate of interest.~~

Was read a third time at length and passed.

Yeas, 68; nays, 0.

**Yeas:**

Messrs:—

Speaker	Horton	O'Neill
Acker	Huddleston	Overton
Avery	Jenkins (Bullock)	Page
Barnard	Johnson (Clarke)	Parks
Bell (Autauga)	Johnson (Marshall)	Pegram
Brewer	Knight	Popwell
Brindley	Lane	Preston
Brown (Pike)	Lavender	Pruett
Brown (Tuscaloosa)	Lawson	Quin
Burton	Lee	Ramsey
Bush	Letson	Richeson
Butt	Lloyd	Roberson
Capps	Lumpkin	Rylance
Carroll	Martin (Calhoun)	Strickland
Chamberlain	Martin (Jackson)	Stollenwerck
Cranford	Mathews	Sturdivant
Darden	Milner	Sullivan
Edmonds	Molton	Thomas
Fletcher	Mulkey	Walker
Fuquay	McCurdy	Wheless
Gewin	McDonald	Wilhite
Helms	McGowen	Wright
Hood	Nicholson	

—68

H. 773. To repeal the act creating the city court of Andalusia, for Covington county, Alabama, passed during the 1907 session of the Legislature of Alabama, entitled "An act to create, establish and maintain an inferior court of record in and for the county of Coving-

ton; to define and provide for the powers, jurisdiction and procedure thereof and to provide for officers thereof and their compensation," and to abolish said court; to provide for the disposition of the pending and adjudicated causes of all kinds in said court and the process, appeals, costs, bonds, securities and records and files of the same; to regulate the bringing, filing transferring and appealing of causes and prosecution in said court; and to fix the time that this act shall become effective.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

### Yeas:

#### Messrs:—

Speaker	Hood	Nicholson
Barnard	Horton	O'Neill
Brewer	Huddleston	Overton
Brindley	James	Parks
Boswell	Jenkins (Bullock)	Pegram
Brown (Pike)	Johnson (Marshall)	Popwell
Brown (Tuscaloosa)	Judge	Preston
Burton	Knight	Pruett
Bush	Lavender	Quinn
Butt	Lee	Rice
Capps	Letson	Smith
Chamberlain	Lloyd	Strickland
Cranford	Lumpkin	Stollenwerck
Darden	Martin (Calhoun)	Sturdivant
Dennis	Mathews	Sullivan
Eastis	Merritt	Thomas
Edmonds	Milner	Waddell
Greene	McCurdy	Walker
Griffith	McDonald	Wilhite
Helms	McGowen	Wright

—60

H. 739. To impose a license tax of one dollar a year on each male dog and two dollars a year on each female dog over four months of age in the County of Marengo, State of Alabama, and to provide for the collection of such license tax and to provide that all live stock or

poultry killed or injured and all damages done thereto, shall be paid for out of the dog tax fund, and to provide that the surplus left from the dog tax fund on the first day of April of each year shall be paid into the public school fund of said County.

Was read a third time at length and passed.

Yeas, 51; nays, 4.

Yeas:

Messrs:—

Brindley	Huddleston	Pegram
Boswell	James	Popwell
Brown (Pike)	Jenkins (Baldwin)	Preston
Brown (Tuscaloosa)	Jenkins (Bullock)	Pruett
Burton	Johnson (Clarke)	Quinn
Bush	Judge	Ramsey
Butt	Lavender	Rice
Capps	Lee	Roberson
Cranford	Letson	Smith
Darden	Lloyd	Strickland
Dennis	Lumpkin	Stollenwerck
Eastis	Martin (Jackson)	Sturdivant
Edmonds	Merritt	Sullivan
Greene	McCurdy	Waddell
Griffith	McDonald	Walden
Helms	Nicholson	Wheless
Horton	Overton	Wilhite

—51

Nays:

Messrs:—

Speaker	Johnson (Marshall)	O'Neill
Hood		

—4

S. 343. To authorize, empower and require the commissioner's court, board of revenue, or other court of like jurisdiction, of Chilton county, Alabama, to donate or appropriate a sum of money not less than two hundred (\$200.00) dollars, and not more than five hundred (\$500.00) dollars, annually from the county treasury, which said money, so appropriated, shall be used in awarding prizes or premiums to be offered to encourage

a better system of agriculture and stock raising in said county; to create a board of award which shall make rules and regulations governing the awarding of the prizes or premiums, and provide for the payment of said money.

Was read a third time at length and passed.

Yeas, 59; nays, 0.

Yeas:

Messrs:—

Speaker	Horton	Nicholson
Barnard	Huddleston	O'Neill
Brewer	James	Overton
Brindley	Jenkins (Baldwin)	Pegram
Boswell	Johnson (Clarke)	Popwell
Brown (Pike)	Johnson (Marshall)	Preston
Brown (Tuscaloosa)	Kilburn	Pruett
Burton	Knight	Quinn
Bush	Lavender	Ramsey
Butt	Lee	Richeson
Capps	Letson	Roberson
Cranford	Lloyd	Smith
Darden	Lumpkin	Strickland
Dennis	Martin (Calhoun)	Stollenwerck
Eastis	Martin (Jackson)	Sturdivant
Edmonds	Mathews	Sullivan
Greene	Merritt	Waddell
Griffith	Milner	Wilhite
Helms	McDonald	Wright
Hood	McGowen	

—59

H. 815. To establish an additional circuit court in the county of Russell and Girard.

Was read a third time at length and passed.

Yeas, 59; nays, 0.

Yeas:

Messrs:—

Speaker	Brindley	Brown (Tuscaloosa)
Barnard	Boswell	Burton
Brewer	Brown (Pike)	Bush

Butt	Kilburn	Pegram
Capps	Knight	Popwell
Cranford	Lavender	Preston
Darden	Lee	Pruett
Dennis	Letson	Quinn
Eastis	Lloyd	Ramsey
Edmonds	Lumpkin	Richeson
Greene	Martin (Calhoun)	Roberson
Griffith	Martin (Jackson)	Smith
Helms	Mathews	Strickland
Hood	Merritt	Stollenwerck
Horton	Milner	Sturdivant
Huddleston	McDonald	Sullivan
James	McGowen	Waddell
Jenkins (Baldwin)	Nicholson	Wilhite
Johnson (Clarke)	O'Neill	Wright
Johnson (Marshall)	Overton	

—59

S. 301. To provide for the better construction, repairing, working and maintaining of public roads and bridges in Clay county, Alabama.

Was read a third time at length and passed.

Yeas, 59; nays, 0.

#### Yeas:

Messrs:—

Speaker	Edmonds	Letson
Barnard	Greene	Lloyd
Brewer	Griffith	Lumpkin
Brindley	Helms	Martin (Calhoun)
Boswell	Hood	Martin (Jackson)
Brown (Pike)	Horton	Mathews
Brown (Tuscaloosa)	Huddleston	Merritt
Burton	James	Milner
Bush	Jenkins (Baldwin)	McDonald
Butt	Johnson (Clarke)	McGowen
Capps	Johnson (Marshall)	Nicholson
Cranford	Kilburn	O'Neill
Darden	Knight	Overton
Dennis	Lavender	Pegram
Eastis	Lee	Popwell

Preston	Roberson	Sullivan
Pruett	Smith	Waddell
Quin	Strickland	Wilhite
Ramsey	Stollenwerck	Wright
Richeson	Sturdivant	

—59

H. 801. To provide a better system of public roads for DeKalb county.

Was read a third time at length and passed.

Yeas, 59; nays, 0.

Yeas:

Messrs:—

Speaker	Hood	McGowen
Barnard	Horton	Nicholson
Brewer	Huddleston	O'Neill
Brindley	James	Overton
Boswell	Jenkins (Baldwin)	Pegram
Brown (Pike)	Johnson (Clarke)	Popwell
Brown (Tuscaloosa)	Johnson (Marshall)	Preston
Burton	Kilburn	Pruett
Bush	Knight	Quinn
Butt	Lavender	Ramsey
Capps	Lee	Richeson
Cranford	Letson	Roberson
Darden	Lloyd	Smith
Dennis	Lumpkin	Strickland
Eastis	Martin (Calhoun)	Stollenwerck
Edmonds	Martin (Jackson)	Sturdivant
Greene	Mathews	Sullivan
Griffith	Merritt	Waddell
Helms	Milner	Wilhite
	McDonald	Wright

—59

S. 375. To provide for the more efficient working of the public roads and construction and repair of bridges in Fayette county; to create a highway commission in said county and define its powers and duties, to provide for a road supervisor, fix his compensation and define his duties and to authorize the employment of a highway engineer; to provide for revenue for road and

bridge purposes in said county; to provide for the appointment of road foremen in the several precincts in the county, fix their compensation and define their duties and powers; to authorize the purchase of necessary tools, teams, road machines and other implements; to provide for a commutation fee in lieu of working the roads; to prevent the obstruction and damage to the public roads and bridges and to prescribe rules, regulations and penalties in order to carry into effect the purposes of this act.

Was taken up.

The question was upon the adoption of the amendment offered by Mr. Wright, said amendment being as follows:

Strike out of the caption the words "to create a highway commission" and insert in lieu thereof the following "to create a road commission;" by striking out the words "beginning October 1st, 1911," where they occur in section 3 and insert in lieu thereof the following "beginning January 1st, 1912; by adding to section 12 the following "and are authorized to appropriate from such funds other amounts as may be spared for the purposes of this act;" by striking out the words "October, 1911," where they appear in section 29 and insert in lieu thereof the following "January 1912."

And the amendment was adopted.

Yeas, 59; nays, 0.

Yeas:

Messrs:—

Speaker	Capps	Horton
Barnard	Cranford	Huddleston
Brewer	Darden	James
Brindley	Dennis	Jenkins (Baldwin)
Boswell	Eastis	Johnson (Clarke)
Brown (Pike)	Edmonds	Johnson (Marshall)
Brown (Tuscaloosa)	Greene	Kilburn
Burton	Griffith	Knight
Bush	Helms	Lavender
Butt	Hood	Lee

Letson	Nicholson	Roberson
Lloyd	O'Neill	Smith
Lumpkin	Overton	Strickland
Martin (Calhoun)	Pegram	Stollenwerck
Martin (Jackson)	Popwell	Sturdivant
Mathews	Preston	Sullivan
Merritt	Pruett	Waddell
Milner	Quinn	Wilhite
McDonald	Ramsey	Wright
McGowen	Richeson	

—59

And the bill:

S. 375. To provide for the more efficient working of the public roads and construction and repair of bridges in Fayette county; to create a highway commission in said county and define its powers and duties, to provide for a road supervisor, fix his compensation and define his duties and to authorize the employment of a highway engineer; to provide for revenue for road and bridge purposes in said county; to provide for the appointment of road foremen in the several precincts in the county, fix their compensation and define their duties and powers; to authorize the purchase of necessary tools, teams, road machines and other implements; to provide for a commutation fee in lieu of working the roads; to prevent the obstruction and damage to the public roads and bridges and to prescribe rules, regulations and penalties in order to carry into effect the purposes of this act.

As amended was read a third time, at length and passed.

Yeas, 63; nays, 0.

Yeas:

Messrs:—

Speaker	Burton	Darden
Barnard	Bush	Dennis
Brewer	Capps	Eastis
Brindley	Carroll	Edmonds
Brown (Pike)	Chamberlain	Fletcher
Brown (Tuscaloosa)	Cranford	Fuquay



Greene	Lloyd	Preston
Griffith	Lumpkin	Pruett
Helms	Martin (Calhoun)	Quinn
Hood	Martin (Jackson)	Ramsey
Horton	Mathews	Roberson
Huddleston	Merritt	Smith
James	McCurdy	Strickland
<del>Jenkins (Baldwin)</del>	<del>McDonald</del>	<del>Stonerwerck</del>
Johnson (Clarke)	McGowen	Sturdivant
Johnson (Marshall)	Nicholson	Sullivan
Judge	O'Neill	Waddell
Knight	Overton	Walden
Lavender	Parks	Wheless
Lee	Pegram	Wilhite
Letson	Popwell	Wright

—63

H. 806. To place the name of M. C. Keady, widow of the late W. G. Keady, who was a Confederate soldier, upon the pension rolls of the State of Alabama.

Was read a third time at length and passed.

Yeas, 59; nays, 0.

#### Yeas:

Messrs:—

Speaker	Edmonds	Lloyd
Barnard	Greene	Lumpkin
Brewer	Griffith	Martin (Calhoun)
Brindley	Helms	Martin (Jackson)
Boswell	Hood	Mathews
Brown (Pike)	Horton	Merritt
Brown (Tuscaloosa)	Huddleston	Milner
Burton	James	McDonald
Bush	Jenkins (Baldwin)	McGowen
Butt	Johnson (Clarke)	Nicholson
Capps	Johnson (Marshall)	O'Neill
Cranford	Kilburn	Overton
Darden	Knight	Pegram
Dennis	Lavender	Popwell
Eastis	Lee	Preston
	Letson	Pruett

Quinn	Smith	Sullivan
Ramsey	Strickland	Waddell
Richeson	Stollenwerck	Wilhite
Roberson	Sturdivant	Wright

—59

H. 812. To fix the time and places of holding the county court of Russell county.

Was read a third time at length and passed.

Yeas, 59; nays, 0.

Yeas:

Messrs:—

Speaker	Horton	Nicholson
Barnard	Huddleston	O'Neill
Brewer	James	Overton
Brindley	Jenkins (Baldwin)	Pegram
Boswell	Johnson (Clarke)	Popwell
Brown (Pike)	Johnson (Marshall)	Preston
Brown (Tuscaloosa)	Kilburn	Pruett
Burton	Knight	Quinn
Bush	Lavender	Ramsey
Butt	Lee	Richeson
Capps	Letson	Roberson
Cranford	Lloyd	Smith
Darden	Lumpkin	Strickland
Dennis	Martin (Calhoun)	Stollenwerck
Eastis	Martin (Jackson)	Sturdivant
Edmonds	Mathews	Sullivan
Greene	Merritt	Waddell
Griffith	Milner	Wilhite
Helms	McDonald	Wright
Hood	McGowen	

—59

H. 753. To authorize and require the county treasurer of Marengo county to transfer the sum of five hundred dollars from the proceeds of hire of convicts of said county in the fine and forfeiture fund to the general fund of said county and to apply said sum to the payment of a warrant drawn by the commissioners court of said county for \$500.00 in favor of E. E. Taylor, on the general fund of said county.

Was read a third time at length and passed.  
Yeas, 59; nays, 0.

## Yeas:

Messrs:—

Speaker	Horton	Nicholson
Barnard	Huddleston	O'Neill
Brewer	James	Overton
Brindley	Jenkins (Baldwin)	Pegram
Boswell	Johnson (Clarke)	Popwell
Brown (Pike)	Johnson (Marshall)	Preston
Brown (Tuscaloosa)	Kilburn	Pruett
Burton	Knight	Quinn
Bush	Lavender	Ramsey
Butt	Lee	Richeson
Capps	Letson	Roberson
Cranford	Lloyd	Smith
Darden	Lumpkin	Strickland
Dennis	Martin (Calhoun)	Stollenwerck
Eastis	Martin (Jackson)	Sturdivant
Edmonds	Mathews	Sullivan
Greene	Merritt	Waddell
Griffith	Milner	Wilhite
Helms	McDonald	Wright
Hood	McGowen	

—59

H. 813. To fix the times and places of holding regular terms of the court of county commissioners of Russell county.

Was read a third time at length and passed.  
Yeas, 59; nays, 0.

## Yeas:

Messrs:—

Speaker	Burton	Eastis
Barnard	Bush	Edmonds
Brewer	Butt	Greene
Brindley	Capps	Griffith
Boswell	Cranford	Helms
Brown (Pike)	Darden	Hood
Brown (Tuscaloosa)	Dennis	Horton

Huddleston	Martin (Jackson)	Quinn
James	Mathews	Ramsey
Jenkins (Baldwin)	Merritt	Richeson
Johnson (Clarke)	Milner	Roberson
Johnson (Marshall)	McDonald	Smith
Kilburn	McGowen	Strickland
Knight	Nicholson	Stollenwerck
Lavender	J'Neill	Sturdivant
Lee	Overton	Sullivan
Letson	Pegram	Waddell
Lloyd	Popwell	Wilhite
Lumpkin	Preston	Wright
Martin (Calhoun)	Pruett	

—59

H. 784. An act to authorize the city of Mobile to convey by deed, certain lands to the United States of America.

Was read a third time at length and passed.

Yeas, 59; nays, 0.

Yeas:

Messrs:—

Speaker	Horton	Nicholson
Barnard	Huddleston	O'Neill
Brewer	James	Overton
Brindley	Jenkins (Baldwin)	Pegram
Boswell	Johnson (Clarke)	Popwell
Brown (Pike)	Johnson (Marshall)	Preston
Brown (Tuscaloosa)	Kilburn	Pruett
Burton	Knight	Quinn
Bush	Lavender	Ramsey
Butt	Lee	Richeson
Capps	Letson	Roberson
Cranford	Lloyd	Smith
Darden	Lumpkin	Strickland
Dennis	Martin (Calhoun)	Stollenwerck
Eastis	Martin (Jackson)	Sturdivant
Edmonds	Mathews	Sullivan
Greene	Merritt	Waddell
Griffith	Milner	Wilhite
Helms	McDonald	Wright
Hood	McGowen	

—59

H. 747. To provide for the incorporation of any bishop of a diocese, existing or that may be created wholly or partly in Alabama, as a corporation sole; to define the authority and duty of such corporation; to provide for the succession of individuals therein, the administration of affairs thereof pending a vacancy in the bishopric, for the dissolution of such corporations, and for proof of things done under this act.

Was read a third time at length and passed.

Yeas, 59; nays, 0.

Yeas:

Messrs:—

Speaker	Horton	Nicholson
Barnard	Huddleston	O'Neill
Brewer	James	Overton
Brindley	Jenkins (Baldwin)	Pegram
Boswell	Johnson (Clarke)	Popwell
Brown (Pike)	Johnson (Marshall)	Preston
Brown (Tuscaloosa)	Kilburn	Pruett
Burton	Knight	Quinn
Bush	Lavender	Ramsey
Butt	Lee	Richeson
Capps	Letson	Roberson
Cranford	Lloyd	Smith
Darden	Lumpkin	Strickland
Dennis	Martin (Calhoun)	Stollenwerck
Eastis	Martin (Jackson)	Sturdivant
Edmonds	Mathews	Sullivan
Greene	Merritt	Waddell
Griffith	Milner	Wilhite
Helms	McDonald	Wright
Hood	McGowen	

—59

H. 814. To require the board of jury commissioners of Russell county to prepare two boxes of names of jurors in accordance with section 7240 of the code of Alabama, one to be used in drawing juries for the circuit court of Russell county, at Seale, and the other to be used in drawing the juries for the circuit court of said county at Girard.

Was read a third time at length and passed.  
Yeas, 59; nays, 0.

Yeas:

Messrs:—

Speaker	Horton	Nicholson
Barnard	Huddleston	O'Neill
Brewer	James	Overton
Brindley	Jenkins (Baldwin)	Pegram
Boswell	Johnson (Clarke)	Popwell
Brown (Pike)	Johnson (Marshall)	Preston
Brown (Tuscaloosa)	Kilburn	Pruett
Burton	Knight	Quinn
Bush	Lavender	Ramsey
Butt	Lee	Richeson
Capps	Letson	Roberson
Cranford	Lloyd	Smith
Darden	Lumpkin	Strickland
Dennis	Martin (Calhoun)	Stollenwerck
Eastis	Martin (Jackson)	Sturdivant
Edmonds	Mathews	Sullivan
Greene	Merritt	Waddell
Griffith	Milner	Wilhite
Helms	McDonald	Wright
Hood	McGowen	

—59

H. 816. To require the judge of probate of Russell county, in addition to the office in the court house at Seale, to keep open a branch office in the city of Girard for the transaction of business, and to declare the effect of the business transacted in such branch office, and to fix his pay for making the indexes mentioned in section 3, and the abstract mentioned in section 4, of this act.

Was read a third time at length and passed.

Yeas, 59; nays, 0.

Yeas:

Messrs:—

Speaker	Brindley	Brown (Tuscaloosa)
Barnard	Boswell	Burton
Brewer	Brown (Pike)	Bush

Butt	Kilburn	Pegram
Capps	Knight	Popwell
Cranford	Lavender	Preston
Darden	Lee	Pruett
Dennis	Letson	Quin
Eastis	Lloyd	Ramsey
<del>Edmonds</del>	<del>Lumpkin</del>	<del>Richeson</del>
Greene	Martin (Calhoun)	Roberson
Griffith	Martin (Jackson)	Smith
Helms	Mathews	Strickland
Hood	Merritt	Stollenwerck
Horton	Milner	Sturdivant
Huddleston	McDonald	Sullivan
James	McGowen	Waddell
Jenkins (Baldwin)	Nicholson	Wilhite
Johnson (Clarke)	O'Neill	Wright
Johnson (Marshall)	Overton	

—59

H. 805. To provide when the members of the court of county commissioners of Crenshaw county shall be elected, and prescribe their terms of office.

Was read a third time at length and passed.

Yeas, 59; nays, 0.

### Yeas:

Messrs:—

Speaker	Edmonds	Letson
Barnard	Greene	Lloyd
Brewer	Griffith	Lumpkin
Bridley	Helms	Martin (Calhoun)
Boswell	Hood	Martin (Jackson)
Brown (Pike)	Horton	Mathews
Brown (Tuscaloosa)	Huddleston	Merritt
Burton	James	Milner
Bush	Jenkins (Baldwin)	McDonald
Butt	Johnson (Clarke)	McGowen
Capps	Johnson (Marshall)	Nicholson
Cranford	Kilburn	O'Neill
Darden	Knight	Overton
Dennis	Lavender	Pegram
Eastis	Lee	Popwell

Preston	Roberson	Sullivan
Pruett	Smith	Waddell
Quin	Strickland	Wilhite
Ramsey	Stollenwerck	Wright
Richeson	Sturdivant	

—59

H. 606. To establish an inferior court in precinct 9 in Jefferson county, Alabama, in lieu of all justices of the peace and notaries public with powers of justice of the peace in said precinct and to define the jurisdiction and powers of said court and the judge thereof.

Was read a third time at length.

On a call of the roll, 46 members voted yea and 5 nay.

Mr. Judge made the point of order that there was a quorum present in the House, but certain members had refused to vote.

The Speaker (Mr. Sullivan presiding) thereupon directed the clerk to again call the roll on the passage of said bill.

And the bill:

H. 606. To establish an inferior court in precinct 9 in Jefferson county, Alabama, in lieu of all justices of the peace and notaries public with powers of justice of the peace in said precinct and to define the jurisdiction and powers of said court and the judge thereof.

Was read a third time at length and passed.

Yeas, 47; nays, 12.

Yeas:

Messrs:—

Barnard	Dennis	Lavender
Brewer	Eastis	Lee
Boswell	Edmonds	Letson
Brown (Pike)	Griffith	Lloyd
Brown (Tuscaloosa)	Huddleston	Martin (Calhoun)
Butt	Jenkins (Baldwin)	Martin (Jackson)
Carroll	Jenkins (Bullock)	Mathews
Chamberlain	Johnson (Marshall)	Milner
Cranford	Judge	McDonald
Darden	Knight	McGowen



O'Neill	Quinn	Sullivan
Overton	Ramsey	Waites
Parks	Roberson	Walker
Popwell	Strickland	Wilhite
Preston	Stollenwerck	Wright
Pruett	Sturdivant	

—47

**Nays:**

Messrs:—

Speaker	Hood	Smith
Acker	Horton	Thomas
Burton	Nicholson	Waddell
Bush	Rice	Walden

—12

**MESSAGE FROM THE SENATE.****Mr. Speaker:**

The President and presiding officer of the Senate having signed the following Senate bills:

S. 25. An act to appropriate sixty thousand dollars for the aid of the State normal school at Jacksonville, Alabama.

S. 39. An act to appropriate sixty-five thousand dollars to the Alabama schools for the deaf and blind.

S. 349. An act to provide for the more efficient working of the public roads in Wilcox county; to provide revenues for the same; to define the powers and duties of the county commissioners with reference to same; to provide for the appointment of overseers and sub-overseers, and a civil engineer, defining their duties, and prescribe rules, regulations and penalties in order to carry into effect the purposes of this act.

Your signature thereto is requested.

J. A. Kyle,  
Secretary.

**SIGNING OF BILLS.**

The Speaker of the House in the presence of the House, immediately after the titles had been publicly

read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment, proposed by his excellency, the governor to:

H. 254. To amend section 7833 (5612) (3875) (4417) (4420) (3736) (3738) (189) (191) of the code of Alabama of 1907.

Yeas, 18; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

ADJOURNMENT.

On motion of Mr. Waddell, the House adjourned until 10 o'clock tomorrow morning.

## FORTY-SEVENTH DAY.

House of Representatives.  
Wednesday, April 5th, 1911.

The House met pursuant to adjournment.

## PRAYER.

The session was opened with prayer by the Rev. Mr. Preston of the House.

## ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

## Messrs:—

Speaker	Eastis	Jones
Acker	Edmonds	Judge
Arnold	Flanagan	Kilburn
Avery	Fletcher	Knight
Barnard	Fowlkes	Lane
Bell (Autauga)	Fuquay	Lavender
Bell (Pickens)	Gewin	Lawler
Brewer	Greene	Lawson
Brindley	Griffith	Lee
Boswell	Helms	Letson
Brown (Pike)	Hollis (Choctaw)	Lloyd
Brown (Tuscaloosa)	Hollis (Walker)	Lumpkin
Burton	Hood	Martin (Calhoun)
Bush	Horton	Martin (Jackson)
Butt	Huddleston	Mastin
Capps	Jackson	Mathews
Carroll	James	Merritt
Chamberlain	Jenkins (Baldwin)	Milner
Cranford	Jenkins (Bullock)	Molton
Darden	Johnson (Clarke)	Mulkey
Dennis	Johnson (Elmore)	McCurdy
Doswell	Johnson (Marshall)	McDonald

McGowen	Pruett	Sullivan
McLendon	Quinn	Thomas
Nicholson	Ramsey	Twombly
O'Neill	Rice	Waddell
Overton	Richeson	Waites
Page	Roberson	Walden
Parks	Rylance	Walker
Pegram	Sanders	Whatley
Pittman	Smith	Wheeless
Pitts	Strickland	Wilhite
Popwell	Stollenwerck	Williams
Preston	Sturdivant	Wright

—102

A quorum was present.

#### JOURNAL.

The chairman of the standing committee on the revision of the Journal, made the following report:

Mr. Speaker:

Your committee on the revision of the Journal, beg leave to report as follows:

We have examined the Journal for the 46th day, and find the same to be correct.

J. B. Rylance,  
Chairman.

The report of the committee was concurred in, and the Journal for the 46th day was approved.

#### LEAVE OF ABSENCE.

Were granted to Messrs. Merrill and Pharr for today.

#### BILLS ON SECOND READING.

Mr. Parks, chairman of the standing committee on Judiciary, reported that said committee in session has acted on the following bill and ordered same returned to the House with a favorable report:

S. 334. To provide for the appointment of an official court stenographer for the fifteenth judicial cir-

cuit of Alabama; to prescribe his duties; to fix his compensation, and to provide for the payment of the same.

Mr. Milner, chairman of the standing committee on Local Legislation, reported that said committee in session has acted on the following bills and ordered ~~same returned to the House with a favorable report:~~

H. 821. To relieve Edgar Bass of Monroe county, Alabama, from the payment of the fine and costs under a confession of judgment with one Sampson Smith, and to authorize the sheriff of Monroe county to mark the execution in the case "satisfied.

S. 452. To amend section 12 of an act entitled an act to establish a county court for the county of Clay, approved December 13th, 1898, as amended March 2nd, 1901, and August 6th, 1907.

S. 426. To fix the times and places for assessing and collecting the taxes in Crenshaw county, Alabama, and to repeal conflicting laws.

Mr. Parks, chairman of the standing committee on Judiciary, reported that said committee in session has acted on the following bills and ordered same returned to the House with a favorable report:

S. 302. To render valid certain acts of certain notaries public and ex-officio justices of the peace done and performed between the sixteenth day of January, 1911, and the approval of this act.

S. 267. To repeal an act entitled an act to regulate the procedure in the trial of causes wherein lands are sought to be condemned, approved August 26th, 1909.

Mr. Mulkey, chairman of the standing committee on Revision of Laws, reported that said committee in session has acted on the following bills and ordered same returned to the House with a favorable report.

S. 399. To amend section 1769 of the code of 1907 so as to read as follows:

S. 256. To amend sections 2996 and 3005 of the code of Alabama of 1907.

S. 255. To amend section 4840 of the code of Alabama of 1907.

S. 404. To amend section 3104 of the code of Alabama.

S. 462. To amend section 2218 of the code of Alabama of 1907.

S. 354. To amend section 3019 of the code of Alabama.

S. 353. To amend section 3022 of the code of Alabama.

S. 313. To amend section 6572 of the code of Alabama.

Mr. Milner, chairman of the standing committee on Local Legislation, reported that said committee in session has acted on the following bills and ordered same returned to the House with a favorable report:

S. 439. To fix the salary of the treasurer of Montgomery at one thousand eight hundred dollars per annum, and to provide for the payment of the premiums on his official bond out of the general fund of the county.

S. 389. For the relief of W. S. Grant, sheriff of Marengo county, Alabama, for the expenses incurred in the removal of John B. Gore from Conway, South Carolina to Linden, Alabama.

The above and foregoing bills were severally read a second time, and placed on the calendar.

#### BILLS REPORTED ADVERSELY.

Mr. Mulkey, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bills and ordered same returned to the House with an adverse report:

S. 237. To amend section 3281 of the code of Alabama.

S. 315. To amend an act approved August 26th, 1909, amending section 1182 of the code of Alabama.

S. 423. To amend section 804 of the code of Alabama of 1907.

S. 287. To define and prohibit the white slave traffic, to provide for the punishment thereof, and for the competency of certain evidence at the trial thereof.

#### INTRODUCTION OF BILLS.

On a call of the counties, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Fuquay:

H. 824. To create an educational commission, to provide its duties, and to make an appropriation for carrying this act into effect.

Education.

#### RESOLUTIONS.

The following resolutions were introduced, the rules were suspended and the resolutions adopted.

By Mr. Jackson:

H. R. 120. Resolved, That no member be permitted to speak more than 5 minutes on any question that may come before this House during the present legislative day except by unanimous consent of the House.

By Mr. Lavender:

H. R. 121. Resolved that hereafter at the afternoon and night sessions of the House, any bill on the calendar may be called by any member when his name is reached on the call; provided such bill does not appertain to the prohibition laws of Alabama.

Mr. Sanders called up his motion to take the bill H. 345 from the adverse calendar. The motion was lost.

Yeas, 21; nays, 56.

Yeas:

Messrs:—

Barnard	Bush	Fletcher
Bell (Autauga)	Darden	Hood
Brewer	Dennis	Lloyd

McDonald	Popwell	Sturdivant
O'Neill	Pruett	Twombly
Overton	Quinn	Walker
Pharr	Sanders	Williams

—21

## Nays:

Messrs:—

Speaker	Huddleston	Page
Acker	James	Pittman
Avery	Jenkins (Bullock)	Pitts
Brindley	Johnson (Clarke)	Preston
Boswell	Johnson (Marshall)	Ramsey
Brown (Pike)	Jones	Rice
Brown (Tuscaloosa)	Knight	Richeson
Burton	Lawson	Roberson
Capps	Lee	Ryance
Carroll	Letson	Strickland
Cranford	Lumpkin	Stollenwerck
Eastis	Martin (Jackson)	Thomas
Flanagan	Mathews	Waddell
Fowlkes	Merritt	Waits
Gewin	Milner	Walden
Greene	Mulkey	Whatley
Griffith	McCurdy	Wheless
Helms	McGowen	Wright
Hollis (Choctaw)	Nicholson	

—56

Mr. Walker called up his motion to take the bill H. 660 from the adverse calendar. The motion prevailed and the bill:

H. 660. To amend section 6960 of the code of 1907.

Was read a second time and placed upon the regular calendar.

## BILLS ON THIRD READING.

S. 435. To provide for the construction of additional buildings for the State college at Florence, Alabama, and to appropriate funds therefor.

Was read a third time at length and passed.

Yeas, 62; nays, 12.



Yeas:

Messrs:—

Speaker	Huddleston	Pharr
Acker	Jackson	Popwell
Avery	Johnson (Marshall)	Preston
Barnard	Jones	Quinn
Bell (Autauga)	Judge	Ramsey
Brindley	Kilburn	Rice
Brown (Pike)	Knight	Richeson
Brown (Tuscaloosa)	Lane	Roberson
Bush	Lavender	Strickland
Capps	Lawson	Stollenwerck
Carroll	Letson	Sturdivant
Chamberlain	Lloyd	Sullivan
Cranford	Lumpkin	Thomas
Darden	Martin (Calhoun)	Waddell
Eastis	Martin (Jackson)	Waits
Edmonds	Molton	Walden
Flanagan	Mulkey	Walker
Fletcher	McDonald	Wheless
Fowlkes	McGowen	Wilhite
Gewin	Nicholson	Wright
Greene	O'Neill	

—62

Nays:

Messrs:—

Boswell	Mathews	Sanders
Fuquay	Milner	Twombly
Helms	Overton	Whatley
Hood	Pittman	Williams

—12

H. 447. To regulate the consolidation of insurance companies.

Was read a third time at length and passed.

Yeas, 69; nays, 0.

Yeas:

Messrs:—

Speaker	Barnard	Brown (Pike)
Acker	Bell (Autauga)	Brown (Tuscaloosa)
Avery	Boswell	Burton

Bush	Jones	Pharr
Capps	Knight	Pittman
Carroll	Lane	Popwell
Chamberlain	Lavender	Preston
Darden	Lawson	Pruett
Eastis	Letson	Quin
Edmonds	Lloyd	Ramsey
Fowlkes	Lumpkin	Rice
Fuquay	Martin (Calhoun)	Strickland
Gewin	Martin (Jackson)	Stollenwerck
Greene	Mastin	Sturdivant
Griffith	Mathews	Thomas
Helms	Merritt	Waddell
Hood	Milner	Walden
Horton	Molton	Walker
Huddleston	Mulkey	Whatley
James	McCurdy	Wheless
Jenkins (Bullock)	McDonald	Wilhite
Johnson (Clarke)	McGowen	Williams
Johnson (Marshall)	Nicholson	Wright

—69

H. 444. To provide pensions for Confederate soldiers, sailors and their widows, and for the payment and regulation of same.

Was read a third time at length and passed.

Yeas, 74; nays, 0.

Yeas:

Messrs:—

Speaker	Carroll	Helms
Acker	Cranford	Hollis (Choctaw)
Avery	Darden	Hood
Barnard	Dennis	Horton
Bell (Autauga)	Eastis	Huddleston
Boswell	Edmonds	Jackson
Brown (Pike)	Flanagan	Johnson (Clarke)
Brown (Tuscaloosa)	Fowlkes	Johnson (Marshall)
Burton	Fuquay	Jones
Bush	Greene	Kilburn
Capps	Griffith	Lane

Lavender	Nicholson	Stollenwerck
Lee	O'Neill	Sturdivant
Letson	Page	Sullivan
Lloyd	Pharr	Thomas
Lumpkin	Pittman	Twombly
Martin (Calhoun)	Pitts	Waddell
Martin (Jackson)	Preston	Walden
Mastin	Quinn	Walker
Mathews	Ramsey	Whatley
Milner	Richeson	Wheless
Molton	Roberson	Willhite
McCurdy	Rylance	Williams
McDonald	Smith	Wright
McGowen	Strickland	

—74

H. 617. To provide for the payment of expenses incurred by the door-keeper of the House and door-keeper of the Senate.

Was read a third time at length and passed.

Yeas, 67; nays, 0.

#### Yeas:

##### Messrs:—

Speaker	Eastis	Lavender
Acker	Edmonds	Lawson
Arnold	Flanagan	Lee
Avery	Fletcher	Letson
Barnard	Fuquay	Lloyd
Bell (Pickens)	Greene	Lumpkin
Brewer	Griffith	Martin (Calhoun)
Brindley	Helms	Martin (Jackson)
Boswell	Hood	Mastin
Brown (Pike)	Horton	Merrill
Brown (Tuscaloosa)	Huddleston	Mulkey
Bush	James	McDonald
Butt	Jenkins (Bullock)	McGowen
Capps	Johnson (Clarke)	Nicholson
Carroll	Johnson (Marshall)	Overton
Cranford	Judge	Page
Darden	Knight	Pegram
Dennis	Lane	Pittman

Popwell	Smith	Waddell
Pruett	Stollenwerck	Waits
Quinn	Sturdivant	Walden
Rice	Sullivan	Wilhite
Rylance		

—67

S. 52. (With amendment.) To appropriate money for the Alabama normal college at Livingston, Alabama.

Was taken up.

The question was upon the adoption of the amendment reported by the standing committee on Appropriations, said amendment being as follows:

Amendment by the committee by adding to the bill, the following:

Section 2. The appropriations set forth in section 1 of this bill shall be payable in four equal installments, ten thousand dollars on October 1, 1911; ten thousand dollars on October 1, 1912; ten thousand dollars on October 1, 1913; ten thousand dollars on October 1, 1914.

Section 3. The State auditor is hereby authorized to draw his warrant upon the State treasurer in favor of the treasurer of the said Alabama normal college upon the application of the board of trustees for the amount and at the time set out in section 2 and the State treasurer is hereby authorized to pay the same.

And the amendment was adopted.

Yeas, 57; nays, 3.

Yeas:

Messrs:—

Speaker	Butt	Gewin
Acker	Capps	Greene
Arnold	Carroll	Griffith
Barnard	Cranford	Hollis (Choctaw)
Bell (Autauga)	Darden	James
Brewer	Eastis	Johnson (Clarke)
Brown (Pike)	Edmonds	Johnson (Marshall)
Brown (Tuscaloosa)	Flanagan	Jones
Bush	Fowlkes	Judge

Knight	Overton	Roberson
Lane	Page	Smith
Lavender	Pittman	Stollenwerck
Letson	Pitts	Sullivan
Lumpkin	Popwell	Thomas
Martin (Jackson)	Preston	Waddell
Merritt	Quinn	Walker
Mulkey	Ramsey	Whatley
McGowen	Rice	Wilbrite
Nicholson	Richeson	Williams

—57

Nays:

Messrs:—

Hood	Sanders	Twombly
------	---------	---------

—3

And the bill:

S. 52. To appropriate money for the Alabama normal college at Livingston, Alabama.

As amended was read a third time at length and passed.

Yeas, 51; nays, 4.

Yeas:

Messrs:—

Speaker	Horton	Mastin
Acker	Huddleston	Mathews
Avery	Jackson	McDonald
Barnard	James	McGowen
Brewer	Jenkins (Baldwin)	Page
Brown (Tuscaloosa)	Johnson (Clarke)	Parks
Bush	Johnson (Marshall)	Pegram
Butt	Jones	Popwell
Capps	Judge	Preston
Carroll	Knight	Quin
Chamberlain	Lane	Ramsey
Cranford	Lavender	Rice
Darden	Lee	Richeson
Dennis	Letson	Stollenwerck
Eastis	Lloyd	Waddell
Edmonds	Lumpkin	Walker
Fowlkes	Martin (Jackson)	Wheelless

—51

Nays:

Messrs:—

Fuquay

Helms

Williams

Jenkins (Bullock)

—4

#### RESOLUTION.

The following resolution was introduced:  
Rules Committee:

H. J. R. 122. Be it resolved by the House, the Senate concurring, That the secretary of State be instructed to have the House and Senate Journals each bound in two volumes and that the sum of \$305.00 is hereby appropriated to carry this resolution into effect.

The rules were suspended and the resolution was adopted.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the following House joint resolution:

H. J. R. 122. Relative to having the Journals of the two houses printed in two volumes each and making appropriation to pay for same.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

#### REPORT OF CONFERENCE COMMITTEE.

The Conference committee on the disagreement of the two houses to the Senate amendments to the bill, H. 563, made the following report:

#### REPORT OF CONFERENCE COMMITTEE ON HOUSE BILL 563.

The Conference committee appointed by the Senate and House of Representatives, respectively, to consider House bill 563 and the amendments made to it by

the Senate and non-concurred in by the House, beg leave to report as follows:

1. The said Conference committee recommends that the Senate recede from the following amendments to the bill, namely:

The amendment of section 33 which adds after the word "morning" in the sixth line thereof the following: ~~"That the preceding provisions of this section shall not~~ apply to bona fide social clubs regularly authorized under the terms of this act."

The amendment of section 36 which adds thereto the following:

"Provided further that nothing herein shall prevent the sale of such liquors in the basement of office buildings."

The amendment which adds to the last herein mentioned amendment the following words: "In cities of class "A," "B" and "C."

The amendment of section nine which strikes out the words, "and ten householders and free holders who are qualified electors in said cities and towns of class "E."

2. The said Conference committee further recommends that section nine of the bill be further amended by striking therefrom the words: "Cities in class A, B, C, and D and ten householders and free holders who are qualified electors of said cities and towns of class "E" and substituting therefor the words, "the city or town" and that the Senate and House do concur in and adopt this amendment as an amendment proposed by this Conference committee.

3. The said Conference committee further recommends that the House of Representatives concur in and adopt all Senate amendments to the said bill except those recommended herein to be receded from by the Senate.

T. M. Stevens, V. B. Atkins, of the committee on the part of the Senate.

John V. Smith, A. D. Pitts, of the committee on the part of the House.

Mr. Pitts submitted the following motion in writing:

I move that the House of Representatives adopt and concur in the report of the committee of Conference on House bill 563, and that the House do concur in and adopt the Senate amendment to said bill which the said report recommends should be concurred in and adopted and that the amendment proposed by the Conference committee in the said report of said committee be concurred in and adopted by the House of Representatives.

And the motion of Mr. Pitts prevailed.

Yeas, 57; nays, 42.

#### Yeas:

Messrs:—

Arnold	Horton	Pegram
Barnard	Huddleston	Pitts
Bell (Autauga)	Jenkins (Baldwin)	Popwell
Brewer	Johnson (Marshall)	Pruett
Boswell	<b>Judge</b>	Quinn
Brown (Pike)	<b>Lane</b>	Rylance
Bush	Lavender	Sanders
Butt	Lawler	Smith
Carroll	Lloyd	Strickland
Chamberlain	Martin (Calhoun)	Stollenwerck
Cranford	Martin (Jackson)	Sturdivant
Darden	Mastin	Sullivan
Dennis	Mathews	Twombly
Eastis	Molton	Waddell
Edmonds	McDonald	Waits
Fletcher	O'Neill	Walker
Gewin	Overton	Wilhite
Griffith	Parks	Williams
Hood	Pharr	Wright

—57

#### Nays:

Messrs:—

Speaker	Bell (Pickens)	Burton
Acker	Brindley	Capps
Avery	Brown (Tuscaloosa)	Flanagan



Fowlkes	Knight	Page
Fuquay	Lawson	Pittman
Greene	Lee	Preston
Helms	Letson	Ramsey
Hollis (Choctaw)	Lumpkin	Rice
Jackson	Merritt	Richeson
James	Milner	Roberson
Jenkins (Bullock)	Mulkey	Thomas
Johnson (Clarke)	Nicholson	Walden
Jones	McGowen	Whatley
Kilburn	McCurdy	Wheless

## MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has adopted and concurred in the report of the committee on Conference on the disagreement of the two houses on the Senate amendment to :

H. 563. To regulate the manufacture, sale and other disposition of spirituous, vinous and malt liquors in the incorporated towns and cities of the State of Alabama whenever such manufacture, sale or other disposition is authorized at and by an election by the qualified electors of the county in which such town or city is situated, for determining in and by such elections whether the sale of such liquors shall be by dispensary or by private dealers under license, to regulate the establishment and operation of such dispensaries as may be so authorized; to provide for the creation of an excise commission in such cities or towns in which the manufacture and sale of said liquors are authorized as herein provided; to prescribe the power and duties of such excise commission wherein the manufacture and sale of said liquors under license is authorized as herein provided; to prescribe the amount of license taxes to be paid by each licensee and the respective portions of the net revenue of each dispensary to be paid, respectively to the State, city or town operating the same, and the county in which the same is operated; to require a bond of each licensee and prescribe its office, purpose and liabilities; to pro-

hibit the manufacture, sale, barter, exchange or giving away to induce trade of said liquors, or any other intoxicating liquors or beverages in the State of Alabama, except as authorized by this act, and under a license obtained and held as in this act provided, and to make unlawful, and to prescribe penalties and punishments for all violations of this act.

And the Senate has receded from the amendments which said report recommends that it recede from and the amendments proposed by the Conference committee in the said report of said committee was concurred in and adopted by the Senate.

J. A. Kyle,  
Secretary.

#### MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has received the accompanying message from his excellency, the governor, with his objections and proposing an amendment to:

S. 212. To provide for refunding privilege taxes erroneously collected and to make the necessary appropriation therefor.

And the Senate has amended the bill as proposed by the governor by adopting and concurring in such proposed amendment.

Yeas, 23; nays, 0.

Which is a majority of the whole number elected to the Senate, and the Senate herewith sends said bill with the governor's message and proposed amendment herewith to the House of Representatives.

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

The House concurred in and adopted the amendments proposed by the governor to the bill, S. 212, the title to which is set out in the above and foregoing Senate message, said governor's amendment being as follows:

Add to the second section of said bill the following:  
 "Provided, that the appropriation herein made, payable out of the State treasury shall not be paid except upon the approval of the governor, who may approve payment in whole or in part."

Yeas, 65; nays, 0.

**Yeas:**

**Messrs:—**

Speaker	Hood	Page
Acker	Horton	Parks
Avery	James	Pegram
Barnard	Johnson (Clarke)	Pitts
Brewer	Johnson (Marshall)	Popwell
Brindley	Jones	Preston
Brown (Pike)	Judge	Pruett
Brown (Tuscaloosa)	Knight	Quinn
Barton	Lane	Ramsey
Bush	Lavender	Rice
Butt	Letson	Rylance
Capps	Lloyd	Smith
Carroll	Lumpkin	Stollenwerck
Chamberlain	Martin (Calhoun)	Sturdivant
Cranford	Martin (Jackson)	Sullivan
Edmonds	Mathews	Waddell
Flanagan	Molton	Waits
Fowlkes	Mulkey	Walden
Fuquay	McDonald	Walker
Greene	Nicholson	Wheeless
Helms	O'Neill	Wilhite
Hollis (Choctaw)	Overton	

—65

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President and presiding officer of the Senate having signed the following Senate bills:

S. 187. An act to amend section 3264 and section 3265 of the code of 1907 of Alabama as to the appointment of additional bailiffs in any court of record in

any county containing 150,000 inhabitants or more and fixing their compensation.

S. 449. An act to repeal an act to prohibit and punish unlawfully and knowingly permitting live stock to run at large in stock law districts or territory in which such stock are prohibited to run at large, approved Aug. 19, 1909, so far as the same relates to Sumter county.

S. 458. An act to authorize the court of revenue of Lawrence county, Alabama, to borrow not exceeding twelve thousand dollars to be used in constructing and equipping a jail for said county and to issue interest bearing county warrants for the same—to run one, two and three years, and to be borrowed from the party offering to make the loan at the lowest rate of interest.

And having also signed the following Senate joint resolutions: S. J. R. 52, S. J. R., 101.

Your signature thereto is requested.

J. A. Kyle,  
Secretary.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing message from the Senate, also Senate joint resolutions 52 and 101.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

The committee on Enrolled Bills have examined the following House bills:

H. 127. To make appropriation for the maintenance of the Alabama industrial school for white boys for the years, 1911, 1912, 1913 and 1914, and to make provision for an existing indebtedness of said school.

H. 301. To regulate and provide for the location of public schools in school districts in which are located a

manufacturing plant or manufacturing plants, employing fifty or more children within the school age, who are subject to the child labor law.

H. 502. To authorize and direct the Commissioners' court of Calhoun county to draw, or cause to be drawn a warrant on the county treasurer of Calhoun county in favor of Walter Dean for the sum of five hundred nine and 28/100 dollars, in payment of the interest on money borrowed by Calhoun county from the said Walter Dean, and to authorize and direct the payment of said warrant by the county treasurer of Calhoun county out of the general funds of said county.

H. 534. To confer additional jurisdiction upon the county court of Winston county, Alabama, and to regulate the proceedings therein.

H. 541. To establish a board of revenue for Covington county.

H. 610. To amend section eight hundred and ninety-five (895) of the code of Alabama.

H. 658. To appropriate the sum of \$43.10 for the year of 1910 to Mary Snow, the widow of James Snow, an ex-confederate soldier, as a confederate pensioner for said year, her name having been erroneously omitted from the list of pensioners for that year.

H. 659. To appropriate the sum of \$43.10 for the year 1910 to Mrs. M. M. Wise, the widow of T. B. Wise, an ex-confederate soldier, as a confederate pensioner for said year, her name having been erroneously omitted from the list of pensioners for that year.

H. 680. To authorize the board of revenue of Jefferson county to apply a portion of the sanitary fund raised by taxation to certain construction work.

And find same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been

dispensed with by a two-thirds vote of a quorum present of the House, signed the bills, the titles to which are set out in the above and foregoing report from the standing committee on Enrolled Bills.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills:

S. 245. To provide pensions for confederate soldiers, sailors and their widows, and for the payment and regulation of same.

S. 291. To authorize and empower courts of county commissioners or boards of revenue of the counties in this State to borrow money for certain purposes.

And sends same herewith to the House without engrossment.

Also:

S. 387. For the relief of W. S. Grant, Sheriff of Marengo county, and expenses incurred in the removal of Charles Autrey from the state of Mississippi to Linden, Alabama.

And sends same herewith to the House without engrossment and with notice and proof attached and herewith exhibited as follows:

## NOTICE.

Notice is hereby given that a bill will be introduced at the present session of the Legislature of Alabama to pay W. S. Grant as sheriff of Marengo county out of the State treasury of Alabama, \$57.50 expense incurred in the removal of Charles Autrey from State of Mississippi to Linden, Ala.

W. S. Grant.

The State of Alabama, }  
Marengo County. }

I, W. F. Shute, Editor and Publisher of the Democrat-Reporter, a newspaper published in Marengo county, Alabama, hereby certify that the attached no-

tice was published in said paper for four successive weeks, and that a copy of said paper was sent to each of its subscribers each week while said notice was being published.

Wm. F. Shute.

Sworn to and subscribed before me this the 6th day of March, 1911.

G. O. Miller,  
Notary Public.

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing Senate message were read one time and referred to appropriate standing committees as follows:

Soldiers' Home and Pensions, S. 245.

County and County Boundaries, S. 291.

Appropriations, S. 387.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to:

S. 375. To provide for the more efficient working of the public roads and construction and repair of bridges in Fayette county; to create a highway commission in said county and define its powers and duties, to provide for a road supervisor, fix his compensation and define his duties and to authorize the employment of a highway engineer; to provide for revenue for road and bridge purposes in said county; to provide for the appointment of road foremen in the several precincts in the county, fix their compensation and define their duties and powers; to authorize the purchase of necessary tools, teams, road machines and other implements; to provide for a commutation fee in lieu of working the roads; to prevent the obstruction and damage to the public roads and bridges and to prescribe rules, regula-

tions and penalties in order to carry into effect the purposes of this act.

J. A. Kyle,  
Secretary.

Mr. Butt called up the motion to take the bill, S. 460, from the adverse calendar. The motion prevailed, and the bill:

S. 460. To establish a reformatory and industrial school for negro juvenile delinquents; to provide for its name, maintenance and government; to prescribe what delinquent children shall be admitted thereto; and further to provide what delinquent children shall be sent to and kept therein; to regulate their detention and discharge.

Was placed upon the regular calendar of the House.

RECESS.

The hour of one o'clock having arrived, the House recessed until 3 o'clock P. M.

AFTERNOON SESSION.

The hour of 3 o'clock having arrived, the House reconvened.

On motion of Mr. Mulkey S. 423 was ordered recommitted to the standing committee on Revision of Laws.

BILLS ON THIRD READING.

S. 819. To make a further appropriation to pay the per diem and mileage of the members, officers and employees of the Legislature of Alabama, and other expenses thereof for the present session.

Was read a third time at length and passed.

Yeas, 65; nays, 0.



## Yeas :

## Messrs :—

Speaker	Huddleston	Nicholson
Acker	Jenkins (Bullock)	Overton
Arnold	Johnson (Clarke)	Pegram
Barnard	Johnson (Marshall)	Pittman
Bell (Pickens)	Jones	Pitts
Brindley	Judge	Popwell
Brown (Pike)	Kilburn	Quinn
Brown (Tuscaloosa)	Lavender	Ramsey
Bush	Lawson	Rice
Butt	Lee	Rylance
Capps	Letson	Smith
Chamberlain	Lumpkin	Strickland
Cranford	Martin (Jackson)	Stollenwerck
Flanagan	Mathews	Sturdivant
Fletcher	Merrill	Sullivan
Greene	Merritt	Waddell
Griffith	Milner	Waits
Helms	McCurdy	Walker
Hollis (Walker)	McDonald	Wheeless
Horton	McGowen	Williams

—65

H. 346. To regulate primary elections in the State of Alabama.

Was taken up.

Mr. Waddell offered the following amendment to the bill:

Amend the bill by striking out section 20 and inserting in lieu thereof the following:

Section 20. Each judge of probate shall deliver or cause to be delivered to the inspectors at each voting place immediately preceding each such primary election, a list of the registered voters, and also a list of all poll taxes paid prior to Feb. 1st, preceding such primary election, such lists to be of the same character in all respects as required for general elections, and for such service the probate judge shall receive the same compensation as provided for furnishing such

lists for general elections in this State, to be paid out of the county treasury.

And the amendment was adopted.

Yeas, 62; nays, 0.

Yeas:

Messrs:—

Speaker	Hood	Pittman
Acker	Horton	Pitts
Arnold	Huddleston	Popwell
Bell (Autauga)	Jenkins (Baldwin)	Pruett
Brewer	Johnson (Clarke)	Quinn
Brown (Pike)	Johnson (Marshall)	Ramsey
Burton	Jones	Rice
Bush	Judge	Richeson
Butt	Knight	Roberson
Capps	Lane	Rylance
Carroll	Lavender	Strickland
Chamberlain	Lawson	Sturdivant
Cranford	Letson	Thomas
Darden	Martin (Calhoun)	Twombly
Eastis	Martin (Jackson)	Waddell
Flanagan	Mathews	Waits
Fuquay	Mulkey	Walker
Gewin	McCurdy	Whatley
Greene	McDonald	Wheeless
Griffith	McGowen	Wilhite
Helms	O'Neill	

—62

And the bill:

H. 346. To regulate primary elections in the State of Alabama.

As amended was read a third time at length and passed.

Yeas, 62; nays, 10.

Yeas:

Messrs:—

Speaker	Barnard	Brewer
Acker	Bell (Autauga)	Brown (Pike)
Avery	Bell (Pickens)	Bush

Butt	Judge	Popwell
Capps	Knight	Pruett
Chamberlain	Lane	Quin
Cranford	Lavender	Ramsey
Dennis	Lawson	Rice
Eastis	Lumpkin	Roberson
Flanagan	Martin (Calhoun)	Rylance
Fletcher	Martin (Jackson)	Sanders
Gewin	Mathews	Smith
Greene	Molton	Stollenwerck
Griffith	Mulkey	Sturdivant
Hood	McGowen	Sullivan
Horton	Nicholson	Thomas
Huddleston	O'Neill	Waddell
Jenkins (Baldwin)	Page	Waits
Jenkins (Bullock)	Pharr	Walker
Johnson (Clarke)	Pegram	Whatley
Jones	Pitts	

—62

## Nays:

Messrs:—

Brindley	Johnson (Marshall)	Wheless
Burton	Milner	Wilhite
Darden	Overton	Wright
Helms		

—10

H. 678. To empower the mayor and board of aldermen, boards of commissioners or other governing bodies in the towns and cities of this State to contribute financial aid for the relief of employees of the fire departments, police departments and other departments, of such towns and cities who are injured while in the performance of their duties as such employees and for the relief of the dependent families of such employees who are killed while in the performance of their duties as such employees.

Was taken up.

Mr. Barnard offered the following substitute for the bill:

Substitute for H. 678:

## A BILL

To be entitled an act to authorize and empower the city council, boards of commissioners or other governing bodies in all cities in this State having twenty-five thousand or more population to disburse funds of said cities for the relief of certain members and employees of the police and fire departments of such cities; and to provide for pensioning police officers, policemen and members of the fire departments of such cities, and to provide and regulate the methods by which the same may become operative therein.

*Be it enacted by the Legislature of Alabama, as follows:*

Section 1. That the city council, boards of commissioners or other governing bodies of all cities in the State of Alabama having twenty-five (25,000) thousand or more population are hereby authorized and empowered to disburse funds of such cities for the relief of the members and employees of the police and fire departments of said cities as hereinafter provided. That all police officers and policemen and all members of the fire departments of such cities who shall have honorably served in and been a member of the police department or force, or fire department of any such city for twenty-five years, and who shall have attained the age of sixty years, and who shall be unable to earn a livelihood by working, and who shall not have independent means of support, shall upon his application in writing to the council, commission or other body having the government or control of the police or fire departments of such cities be relieved and retired from active service in said police or fire department upon half pay, that is to say: Such officer or policeman or member of said fire department upon being so retired shall receive and be paid for and during his natural life an amount of money equal to one-half the salary, or pay which such officer or policeman or member of fire department so received at the time of making such application, the same to be paid monthly out of any

funds that may be in the treasury of such city not otherwise appropriated.

Sec. 2. That any officer or policeman of the police department or member of the fire department of any city in this State, designated in this act, who shall have become permanently disabled by reason of any injury received while in the service as a member of said department or force, shall, upon his application in writing to the commission, or other body having the government or control of the police and fire department of such city, be relieved and retired from active service in said departments upon half pay, that is to say: Such officer or policeman, or member of the fire department upon being so retired, shall receive and be paid for and during such disability an amount of money equal to one-half the salary or pay which such officer or policeman or member of the fire department was receiving at the time of receiving such injury while in discharge of his duty, the same to be paid monthly out of any funds that may be in the treasury of such city, not otherwise appropriated. The commission, or other body having in charge the government and control of the police and fire departments or forces of such city, shall determine and pass upon whether such disability complained of is permanent or not, and to this end shall receive in evidence any testimony offered by such applicant, and may hear and consider any other testimony or evidence which the said commission, or other body shall cause to come before it; and shall render judgment in said cause, which shall be kept in the minutes of the proceedings of such commission, or other body, passing upon said application. Any Officer, or policeman or member of the fire departments who shall avail himself of the provisions of this act shall nevertheless remain members of said police and fire departments, and, while relieved of regular duties, shall constitute a reserve of said departments, and be at all times subject to the performance of any duty that may be required by the governing body of said city.

Sec. 3. That the commission, or other body having in charge the government and control of the police and fire department or forces of any city designated in

this act, is hereby authorized and invested with full power to make all necessary or proper rules and regulations for the due administering of this act, not inconsistent with the provisions hereof, and shall, issue to all persons who may show and prove themselves entitled to receive the pay and compensation in the manner and as hereinbefore set out, a certificate duly signed and attested by the proper officials of such commission, or other body certifying that such person is entitled to receive the amount of money which may be specified in said certificate, and the duration for which payment is to be made and continued, and said certificate, when so issued, and signed and attested, shall be due and proper warrant and authority for the proper officials of such city having control and custody of the money and funds of said city, to pay such amount so specified, and in the manner set out in said certificate.

And the substitute was adopted.

Yeas, 54; nays, 1.

#### Yeas:

Messrs:—

Speaker	Jenkins (Bullock)	Pegram
Barnard	Johnson (Marshall)	Popwell
Bell (Pickens)	Jones	Pruett
Boswell	Judge	Quinn
Brown (Pike)	Lane	Ramsey
Burton	Lavender	Rice
Bush	Lawler	Richeson
Butt	Lawson	Roberson
Carroll	Letson	Rylance
Cranford	Lumpkin	Sanders
Darden	Martin (Calhoun)	Smith
Dennis	Mathews	Strickland
Eastis	McCurdy	Sturdivant
Flanagan	McDonald	Sullivan
Greene	Nicholson	Thomas
Hood	O'Neill	Twombly
Horton	Overton	Waits
Jenkins (Baldwin)	Pharr	Wheless

—54

#### Nays:

Mr. Bell, of Autauga.

—1

And the bill:

H. 678. To empower the mayor and board of aldermen, boards of commissioners or other governing bodies in the towns and cities of this State to contribute financial aid for the relief of employees of the fire department, police departments and other departments of such towns and cities who are injured while in the performance of their duties as such employees and for the relief of the dependent families of such employees who are killed while in the performance of their duties as such employees.

As amended by the substitute was read a third time at length and passed.

Yeas, 56; nays, 0.

Yeas:

Messrs:—

Speaker	Fuquay	Overton
Arnold	Gewin	Parks
Avery	Helms	Pegram
Barnard	Hood	Pitts
Bell (Autauga)	Horton	Pruett
Boswell	Johnson (Marshall)	Quinn
Brown (Pike)	Jones	Ramsey
Bush	Lane	Rice
Butt	Lavender	Roberson
Capps	Lawler	Sanders
Carroll	Lawson	Smith
Chamberlain	Letson	Sturdivant
Cranford	Lumpkin	Sullivan
Darden	Martin (Calhoun)	Twombly
Dennis	Mathews	Waddell
Eastis	McCurdy	Walker
Edmonds	McDonald	Wheeless
Flanagan	Nicholson	Wilhite
Fowlkes	O'Neill	

—56

S. 226. To appropriate ten thousand dollars for the purpose of building dormitories for the Southeast Alabama agricultural school and experiment station, located in the third congressional district, in Henry county, at Abbeville, Ala.

Was read a third time at length and passed.  
Yeas, 72; nays, 5.

## Yeas:

Messrs:—

Speaker	Griffith	Overton
Acker	Helms	Page
Arnold	Hollis (Choctaw)	Parks
Avery	Horton	Pharr
Bell (Autauga)	Jackson	Pegram
Brewer	James	Pittman
Boswell	Johnson (Marshall)	Pitts
Brown (Pike)	Jones	Popwell
Brown (Tuscaloosa)	Judge	Quinn
Burton	Knight	Ramsey
Butt	Lane	Rice
Capps	Lavender	Richeson
Carroll	Letson	Roberson
Chamberlain	Lumpkin	Rylance
Cranford	Martin (Calhoun)	Smith
Darden	Martin (Jackson)	Sturdivant
Dennis	Mathews	Sullivan
Eastis	Milner	Thomas
Edmonds	Molton	Waites
Flanagan	Mulkey	Walker
Fletcher	McDonald	Whatley
Fowlkes	McGowen	Wheeless
Gewin	Nicholson	Wilhite
Greene	O'Neill	Wright

—72

## Nays:

Messrs:—

Fuquay	McCurdy	Waddell
Hood	Pruett	

—5

H. 377. To abolish the office of county treasurer in each county in the State of Alabama, and to require the several tax collectors and all other county officers receiving monies of the county to deposit the same, when collected by them, in such bank or banks as may be designated by the court of county commissioners or



board of revenue to the credit of the county and subject to the order of said court or board of revenue.

Was taken up.

On motion of Mr. Lavender the bill was laid upon the table.

S. 68. An act to amend an act to prescribe the qualifications of jurors and regulate the selection, drawing and summoning of jurors, and prescribe the qualifications and provide for the appointment of jury commissioners and clerks of said commission and regulate the empanelling of grand and petit juries in all of the courts of this State, which act was approved August 31, 1909, in so far as the same shall apply to the counties which now have a population of forty thousand or less, according to the last Federal census or any Federal census hereafter taken.

Was read a third time at length and passed.

Yeas, 76; nays, 9.

Yeas:

Messrs:—

Speaker	Gewin	Milner
Acker	Greene	Molton
Avery	Griffith	McCurdy
Bell (Autauga)	Helms	McDonald
Bell (Pickens)	Hollis (Choctaw)	McGowen
Brewer	Hood	Nicholson
Boswell	Huddleston	O'Neill
Brown (Tuscaloosa)	Jackson	Overton
Burton	Jenkins (Bullock)	Parks
Bush	Johnson (Marshall)	Pharr
Butt	Judge	Pegram
Capps	Lavender	Pittman
Carroll	Lawler	Popwell
Chamberlain	Lawson	Preston
Darden	Letson	Pruett
Dennis	Lloyd	Quinn
Eastis	Lumpkin	Ramsev
Flanagan	Martin (Calhoun)	Rice
Fowlkes	Martin (Jackson)	Richeson
Fuquay	Mathews	Rylance

Sanders	Thomas	Whatley
Smith	Twombly	Wheeless
Strickland	Waddell	Wilhite
Stollenwerck	Walden	Williams
Sturdivant	Walker	Wright
Sullivan		

—76

Nays:

Messrs:—

Brindley	Fletcher	Merritt
Brown (Pike)	Horton	Mulkey
Cranford	James	Page

—9

Mr. Williams moved to reconsider the vote by which the bill, S. 68, was passed. Mr. Bush moved to table the motion of Mr. Williams, and the motion to table prevailed.

H. 387. To repeal sections 7371, 7372, 7374, 7375, 7376, and 7377 of article two, chapter 248 of the code of Alabama.

Was taken up.

Mr. Waddell offered the following substitute for the bill:

A bill to be entitled an act to repeal sections 7371, 7372, of the code of 1907, and to repeal sections 5, 23, 24, 25, 26, and 34 of an act entitled "An act to further suppress the evils of intemperance and to secure obedience to, and the enforcement of, and to prevent the evasion of the laws of the State, for the promotion of temperance and for the prohibition of the manufacture of, and traffic in, or unlawful disposition of, prohibited liquors and beverages; to provide for the abatement of liquor nuisances and the seizure and destruction of forfeited liquors and beverages, and to prescribe procedure in such cases. Approved August 25, 1909."

Section 1. *Be it enacted by the Legislature of Alabama*, That sections 7371, 7372, of the code of 1907, and sections 5, 23, 24, 25, 26, and 34 of an act entitled "An act to further suppress the evils of intemperance and to secure obedience to, and the enforcement of, and

to prevent the evasion of the laws of the State, for the promotion of temperance and for the prohibition of the manufacture of, and traffic in, or unlawful disposition of, prohibited liquors and beverages; to provide for the abatement of liquor nuisances and the seizure and destruction of forfeited liquors and beverages, and to prescribe procedure in such cases. Approved August 25, 1909," be and the same are hereby repeated."

Mr. Rice moved to table the bill, H. 387, and substitute, and the motion to table prevailed.

Yeas, 50; nays, 36.

**Yeas:**

Messrs:—

Speaker	Helms	McCurdy
Acker	Hollis (Choctaw)	McGowen
Arnold	Jackson	Nicholson
Avery	James	Page
Bell (Pickens)	Jenkins (Bullock)	Parks
Brindley	Johnson (Clarke)	Pittman
Boswell	Kilburn	Popwell
Brown (Tuscaloosa)	Knight	Preston
Burton	Lane	Rice
Capps	Lawson	Richeson
Chamberlain	Lee	Rylance
Cranford	Letson	Thomas
Darden	Lumpkin	Walden
Fowlkes	Mathews	Whatley
Fuquay	Merritt	Wheless
Greene	Milner	Williams
Griffith	Mulkey	

—50

**Nays:**

Messrs:—

Barnard	Dennis	Huddleston
Bell (Autauga)	Eastis	Johnson (Marshall)
Brewer	Edmonds	Jones
Brown (Pike)	Flanagan	Judge
Bush	Fletcher	Lavender
Butt	Gewin	Lloyd
Chamberlain	Hood	Molton

McDonald	Quinn	Sturdivant
O'Neill	Ramsey	Sullivan
Overton	Sanders	Twombly
Pharr	Smith	Waddell
Pegram	Strickland	Walker
Pruett	Stollenwerck	

—38

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from his excellency, the governor, with his objections and proposing an amendment to:

S. 19. To appropriate the sum of twenty-five thousand dollars for the erection of a modern school building for the sixth congressional district agricultural school, located at Hamilton, the present building having become inadequate for the necessities of the school.

And the Senate has amended the bill as proposed by the governor by adopting and concurring in such proposed amendment.

Yeas, 25; nays, 0.

Which is a majority of the whole number elected to the Senate, and the Senate herewith sends said bill with the governor's message and proposed amendment herewith to the House of Representatives.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

On motion of Mr. Almon (Mr. Sullivan presiding), the House concurred in and adopted the amendment proposed by the governor to S. 19, the title to which is set out in the above and foregoing Senate message, said governor's amendment being as follows:

Amend section 2 of the bill by adding to it the following:

"Provided, that the sum hereby appropriated shall be paid out only on the approval of the governor, who,

as the state of the treasury, in his opinion may warrant, may approve the same in whole, or in part from time to time."

Yeas, 73; nays, 0.

Yeas:

Messrs:—

Speaker	Horton	Nicholson
Acker	Huddleston	Overton
Avery	Jackson	Page
Barnard	James	Parks
Bell (Autauga)	Jenkins (Baldwin)	Pharr
Bell (Pickens)	Jenkins (Bullock)	Popwell
Boswell	Johnson (Clarke)	Preston
Brown (Pike)	Johnson (Marshall)	Pruett
Brown (Tuscaloosa)	Jones	Quin
Burton	Judge	Ramsey
Bush	Kilburn	Rice
Butt	Knight	Richeson
Capps	Lane	Roberson
Carroll	Lavender	Rylance
Chamberlain	Lee	Strickland
Cranford	Letson	Stollenwerck
Dennis	Lloyd	Sturdivant
Eastis	Lumpkin	Sullivan
Edmonds	Mathews	Thomas
Flanagan	Milner	Waddell
Fletcher	Molton	Walker
Fuquay	McCurdy	Whatley
Gewin	McDonald	Wheeless
Griffith	McGowen	Willhite
Hood		

—73

#### GOVERNOR'S MESSAGE.

The following message from the governor was received and the same was ordered spread upon the Journal:

Montgomery, Ala., April 5th, 1911.

To the Senate and House of Representatives:

I have returned a number of appropriation bills with an amendment to each, providing that the sum appropriated shall be payable on my approval in whole or in part from time to time as the state of the treasury may warrant, and it is my purpose to return all bills appropriating large sums with a similar amendment.

This is not to be construed as indicating any hostility on my part to the purposes and objects for which the appropriations are made, but as a precautionary measure in case the revenues of the State are insufficient.

The State now faces a deficit, and the results of the revenue bill are by no means certain. The sixty per cent assessment basis may upset all calculations and leave the State with insufficient money to meet the calls under the bills granting appropriations. Under the terms of this amendment, in such case, I will be able to ratably apportion the money available.

To be fair requires the addition of this amendment to all the bills. To do otherwise would discriminate.

In the event the State has the money to pay the sums appropriated, it will be not only my duty but my pleasure to approve its payment. If the State has not the money, proportionate payment only ought to be expected, and it is to this end that the amendment is made.

I believe, and sincerely hope, that our revenues will be sufficient to meet all appropriations, but I deem it the part of wisdom to guard against any disappointment on that score.

Emmet O'Neal,  
Governor.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

The committee on Enrolled Bills have examined the following House bill:

H. 323. To provide and create a commission form of municipal government and to establish same in all the cities of Alabama which now have or which may here-

after have, a population of as much as twenty-five thousand and less than fifty thousand people according to the last federal census, or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials and otherwise provide for the creation and maintenance of said commission form of government.

And find same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bill the title to which is set out in the above and foregoing report from the standing committee on Enrolled Bills.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The President and presiding officer of the Senate having signed the following Senate bills:

S. 212. An act to provide for the refunding by the State and the various counties of the State of certain privilege taxes erroneously collected, and to make the necessary appropriation therefor. -

S. 435. An act to provide for the construction of additional buildings for the State normal school at Florence, Alabama, and for providing for the furnishing and equipment of the same, and for repairs of existing buildings, and to appropriate funds therefor.

S. 343. An act to authorize, empower and require the commissioners' court, board of revenue, or other court

of like jurisdiction, of Chilton county, Alabama, to donate or appropriate a sum of money not less than two hundred (\$200.00) dollars, and not more than five hundred (\$500.00) dollars, annually from the county treasury, which said money, so appropriated, shall be used in awarding prizes or premiums to be offered to encourage a better system of agriculture and stock raising in said county; to create a board of award which shall make rules and regulations governing the awarding of prizes or premiums, and provide for the payment of said money.

Your signature thereto is requested.

J. A. Kyle,  
Secretary.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing message from the Senate.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill:

H. 791. To amend section 1359 of the code of Alabama of 1907.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

On motion of Mr. Bush the House concurred in and adopted the Senate amendment to the bill, H. 791, said amendment being as follows:



1. Strike from the caption the words "so that the same shall read as follows."

2. Insert immediately after the caption the following: "Be it enacted by the Legislature of Alabama that section 1359 of the code of Alabama be amended so as to read as follows."

Yeas, 71; nays, 0.

Yeas:

Messrs:—

Speaker	Huddleston	Popwell
Acker	Jackson	Preston
Arnold	Johnson (Clarke)	Pruett
Avery	Johnson (Marshall)	Quinn
Barnard	Jones	Ramsey
Bell (Autauga)	Judge	Rice
Bell (Pickens)	Kilburn	Richeson
Boswell	Knight	Rylance
Brown (Tuscaloosa)	Lane	Sanders
Bush	Lavender	Smith
Butt	Lawson	Strickland
Capps	Letson	Stollenwerck
Chamberlain	Lloyd	Sturdivant
Darden	Lumpkin	Sullivan
Dennis	Martin (Calhoun)	Thomas
Eastis	Mathews	Twombly
Edmonds	McCurdy	Waddell
Fowlkes	McDonald	Waits
Greene	McGowen	Walden
Griffith	Nicholson	Whatley
Helms	O'Neill	Wheeler
Hollis (Choctaw)	Page	Williams
Hood	Pharr	Wright
Horton	Pitts	

—71

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

By Mr. Godbold:

S. J. R. 129. Be it resolved by the Senate, the House concurring, That when the two houses adjourn today they stand adjourned until Friday, April 7, 1911.

And sends same herewith to the House.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the Senate joint resolution which is set out in the above and foregoing Senate message.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the House amendments to:

S. 52. To appropriate money for the Alabama normal college of Livingston, Alabama.

J. A. Kyle,  
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 439. To fix the salary of the treasurer of Montgomery county at \$1,800.00 per annum, and to provide for the payment of the premiums on his official bond out of the general fund of the county.

And sends same to the House without engrossment and with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that a bill will be introduced at the present session of the Legislature to fix the sal-

ary of the treasurer of Montgomery county at \$1,800.00 per annum, and to provide that the premiums upon the official bond of said treasurer be paid out of the general funds of said county.

State of Alabama, }  
Montgomery County. }

Personally appeared before me, Alma Tillery, a notary public in and for said State and county, Brame Hood, who states on oath that he is advertising manager of the Montgomery Journal, and that the attached notice appeared in said publication Feb. 22, March 1, 8, 15, 1911.

Brame Hood,  
Advertising Manager.

Sworn to and subscribed before me, this 16th day of March, 1911.

Alma Tillery,  
Notary Public.

Also:

S. 389. For the relief of W. S. Grant, sheriff of Marengo county, Alabama, for the expenses incurred in the removal of John B. Gore from Conway, South Carolina, to Linden, Alabama.

And sends same to the House without engrossment and with notice and proof attached and herewith exhibited as follows:

#### NOTICE.

Notice is hereby given that a bill will be introduced at the present session of the Legislature of Alabama to pay W. S. Grant as sheriff of Marengo county, out of the State treasury of Alabama, \$86.00 expenses incurred in the removal of John B. Gore from Conway, S. C., to Linden, Ala.

W. S. Grant.

The State of Alabama, }  
Marengo County. }

I, W. F. Shute, editor and publisher of the Democrat-Reporter, a newspaper published in Marengo

county, Alabama, hereby certify that the attached notice was published in said paper for four successive weeks, and that a copy of said paper was sent to each of its subscribers each week while said notice was being published.

Wm. F. Shute.

Sworn to and subscribed before me this the 6th day of March, 1911.

G. O. Miller,  
Notary Public.

The State of Alabama, }  
Marengo County. }

Before me, A. L. Hasty, judge of probate in and for said county, personally appeared W. S. Grant, who being by me first duly sworn on oath doth depose and say that the claim for which a bill has been introduced in the Legislature for the removal of John B. Gore from Conway, South Carolina, to Linden, Alabama, is just, true, correct and unpaid.

W. S. Grant.

Sworn to and subscribed before me, this the 20th day of March, 1911.

A. L. Hasty,  
Judge of Probate.

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing Senate message were read one time and referred to appropriate standing committee as follows:

Local Legislation, S. 439, S. 389.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills:

S. 361. To provide and create a Board of Election Commissioners for the government and holding of municipal elections and to establish same in all cities of Alabama which now have, or may hereafter have, a population of as much as one hundred thousand people according to the last Federal census, or any such census which may hereafter be taken; to regulate the selection ~~and election of such commissioners and their terms of~~ office, to fix their powers, duties and compensation; to annul any law or any part of a law that conflicts with the duties of the commissioners of this board, and otherwise to provide for the creation and maintenance of said election commission board.

S. 363. To amend section 679 of the political code of Alabama of 1907.

S. 445. To aid the work of tick eradication and the suppression and control of glanders, hog cholera and other infectious and contagious diseases in Alabama.

And sends same herewith to the House without engrossment.

Also:

S. 484. To establish in the county of Pickens a court of record of limited jurisdiction to be known and styled as the inferior court of Pickens county and to define the jurisdictions and powers of said court and the judge thereof.

And sends same herewith to the House without engrossment and with notice and proof attached and herewith exhibited as follows:

NOTICE OF BILL TO BE INTRODUCED IN THE LEGISLATURE.

Section 1. *Be it enacted by the Legislature of Alabama*, That there is hereby established in the county of Pickens a court of record of limited jurisdiction to be known as the inferior court of Pickens county.

Sec. 2. That said court shall have civil jurisdiction throughout the county, concurrent with the circuit and justice courts of the county of all actions founded on contract or on any wrong or injury when the sum claimed is not less than twenty-five dollars, nor more

than two hundred dollars, except in actions of libel, slander, assault and battery, and ejectment of which action it shall not have jurisdiction; of all actions of forcible entry and unlawful detainer; of all actions to recover specific property, when the value is not less than twenty-five dollars, nor more than two hundred dollars, and of such other cases as jurisdiction is or may be given by law.

Sec. 3. That said court shall have original criminal jurisdiction, concurrent with the circuit court of the county, of all misdemeanors committed in the county, except of those misdemeanors of which justices of the peace have final jurisdiction, it shall have no jurisdiction.

Sec. 4. A regular term of said court shall be held on the third Monday of every month, at the court house of said county, for the trial of any or all causes brought into said court, and may continue till the business is disposed of; but said court shall be open, at the discretion of the judge, any day during the week, except Sunday, for the trial of causes.

Sec. 5. That a judge of said court shall be appointed by the governor, within fifteen days after the approval of this act, and shall hold office for four years and until his successor is elected and qualified; that the successors to said judge shall be appointed by the governor, and that vacancies in said office of judge shall be filled by the governor.

Sec. 6. The judge of said court, before he enters upon the duties of his office, must take the oath and give bond as is now required by law of justices of the peace, and may be removed from office or impeached in the same manner as justices of the peace.

Sec. 7. The judge of said court, at the time of his appointment, shall be a duly qualified elector of the county and during the term of his office shall reside at the county seat of the county.

Sec. 8. The judge of said court has authority, within said county to administer oaths and take affidavits; to punish for contempts, by a fine as high as twenty dollars, and by imprisonment, not exceeding twenty-

four hours; one or both; to take the acknowledgment or probate of all deeds, or conveyances required to be recorded, and certify the same for registration; to take affidavits and issue warrants of arrests to grant writs of habeas corpus, in like manner as the probate judge of the county, in those cases in which the power is conferred by law; to try all causes brought into said court both civil and criminal; to sit as a committing magistrate in felony cases and to bind over the defendant to await the action of the grand jury of the county; to exercise all the authority now conferred by law upon judges of the county courts and justices of the peace of the State, not in conflict with the provisions of this act, and be subject to the same penalties for neglect of duty, and to exercise such other powers as are, or may be, conferred on him by law.

Sec. 9. The judge of said court shall receive a trial fee of \$3.00 in every civil case tried by him, to be taxed up and collected as other cost in the case. He shall receive a trial fee of \$3.00 in every criminal, habeas corpus case and preliminary investigation tried by him to be taxed and collected as other cost in the case and in all cases where the State fails the same shall be paid to him out of the fine and forfeiture fund of the county.

Sec. 10. That the clerk of the circuit court of the county shall be ex-officio the clerk of said court, and shall discharge the like duties and be subject to the same penalties as in the circuit court, and shall receive the same fees in criminal cases and one-half the fees in civil cases as allowed to him by law in the circuit court; provided, that upon the failure of said clerk, or his refusal to discharge the duties of the office or any of them, the judge shall appoint some competent person to discharge said duties and such person shall receive the same fees as is herein allowed to said clerk.

Sec. 11. The deputy solicitor for the county shall represent the State in said court, and may collect and retain for his services one-half the fees now allowed to the circuit solicitor in all cases, and no greater fee shall be charged, except the offenses of adultery and fornication, carrying concealed weapons, viola-

tions of the revenue law, the laws prohibiting the sale or otherwise disposing of spiritous, vinous or malt liquors, and offenses under sections 6844, 7325, 7338, 7340, 7423, 7427, 7428, 7429, 7560, 7564, 7576, 7577 and 7619 of the 1907 code of Alabama in which he shall charge and receive the same fees allowed to the circuit solicitor; provided, said fees do not exceed \$500.00 per annum, and the residue of such fees and commissions must be paid into the county treasury. He shall make reports to the county treasurer as required of deputy solicitors by section 7804 of the 1907 code.

Sec. 12. The sheriff of the county is hereby required to execute all process and orders of said court and to attend upon the sessions of said court in person or by deputy.

Sec. 13. Witnesses in said court shall in all cases be entitled to receive seventy-five cents for each days attendance upon said court and five cents for each mile traveled and the ferriage actually paid, the same to be paid in like manner as in the circuit court of the county. Said witnesses shall be subject to the same penalties for failure to attend said court as they are in said circuit court.

Sec. 14. The commissioners court of the county shall furnish all necessary books, blanks and stationery for the use of said court.

Sec. 15. The clerk of said court must issue executions on all criminal judgments within ten days after the rendition of the judgment, and the same shall be made returnable six months after said rendition, and six months shall intervene between the issue and return of any subsequent execution from such court; that alias and pluries executions may issue in both civil and criminal cases as in the circuit courts of this State. That except as herein otherwise provided articles 1, 2, 3, 4, 5, 6, 7, 8 and 9 of chapter 85 of the 1907 Code, on the subject of executions, shall apply to said court and govern in all matters having reference to the different subjects treated of in said articles.

Sec. 16. Prosecutions in said court shall be commenced in the manner provided for in section 6703 of the 1907 code, and warrants of arrest shall issue from said court as therein provided.



Sec. 17. All fines and forfeitures collected by said court shall be paid by the clerk into the county treasury.

Sec. 18. The rules of pleadings and practice in civil cases in said court shall be the same as in the circuit court so far as the same are applicable, and in criminal cases it shall be the same as in the county courts so far as the same apply, and article 3 chapter 198 of the 1907 code shall have force and effect and govern in said court so far as the same are applicable and do not conflict with the provisions of this act.

Sec. 19. That the judge of said court shall in all cases tried in said court, determine both the law and the facts without the intervention of a jury, and render such judgment as justice may require.

Sec. 20. Any party shall have the right of appeal from the judgment of said court to the circuit court of the county, and the law regulating appeals and certiorari of cases from courts of justices of the peace shall apply to the appeals and certiorari of cases from the court established by the provisions of this act.

State of Alabama, }  
Pickens county. }

Before me, Jack M. Pratt, a notary public, in and for said State and county, personally appeared A. W. Struthers, who being by me duly sworn, doth depose and say, that he is the editor of the West Alabamian, a weekly newspaper, published at Carrollton, Pickens county, Alabama, and that he caused to be published in said newspaper a notice of a bill to create an inferior court for the county of Pickens, for four consecutive weeks; publications on dates as follows, to-wit: March 8th, March 15th, March 22nd, March 29th, 1911.

A. W. Struthers.

Sworn to and subscribed before me this the 29th day of March, 1911.

Jack M. Pratt,  
Notary Public.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing Senate message were read one time and referred to appropriate standing committees as follows:

Revision of Laws, S. 361, S. 363, S. 484.  
Agriculture, S. 445.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 429. To prevent the catching of fish from Alabama waters for commercial purposes by non-residents of Alabama.

H. 327. To amend sections 4594 and 4595 of the code of Alabama.

H. 216. To appropriate \$2,090.06 out of the State treasury in favor of the city of Montgomery for the pavement and improvement on Monroe street extending from Bainbridge street to Union street abutting the property known as the "State capitol grounds."

H. 282. To amend sections 1861, 1862 and 1863 of the code of Alabama.

H. 413. To appropriate the sum of \$7,500.00 for the completion of the school building of the Randolph county high school located at Wedowee; the main school building being destroyed by fire November 30th, 1910.

H. 319. To abolish the county court of Montgomery county.

H. 693. To dissolve the corporate existence of the town of Coal City, Alabama.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following Senate bills:

S. 383. To amend an act entitled an act to establish a reformatory and industrial school under the name and style of the Alabama Boys' Industrial school, for the benefit of orphans, helpless and wayward children; to provide for its government; to prescribe what children shall be admitted thereto; and further to provide that certain children shall be sent to, and kept therein, ~~and to provide mode of ascertaining whether any given~~ child shall be committed thereto. Approved February 23rd, 1899.

S. 309. Authorizing Grantees in conveyances of real property which correctly describe the real property intended to be conveyed to maintain in the Chancery Courts of this State, or in courts of this State having like jurisdiction, bills for the correction of conveyances which were intended to convey said lands, where a mistake was made in the description of the land, when the party filling said bill has title, by a direct conveyance or by mesne conveyances, from the grantee in the conveyance sought to be corrected

S. 427. To amend section 3495 of the code of Alabama.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing Senate message were read one time and referred to appropriate standing committees as follows:

Revision of Laws, S. 309, S. 427.

Appropriations, S. 383.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following Senate bills:

S. 310. To amend section 2830 of the code of Alabama.

S. 364. To amend section 682 of the political code of Alabama of 1907.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing Senate message were read one time and referred to appropriate standing committee as follows:

Revision of Laws, S. 310, S. 364.

H. 448. To constitute the Corona Normal and Industrial Institute for colored students near Corona, Walker county, an experiment station under the present board of trustees and appropriate a thousand dollars per annum out of the treasury to the agricultural department not otherwise appropriated for the purpose of operating an experiment station in connection with said Corona Normal and Industrial Institute.

Was taken up.

The question was upon the adoption of the amendment reported by the standing committee on Appropriations, said amendment being as follows:

Add following the word "Alabama" in the second paragraph of the bill: "provided that this act shall not be effective until the property on which is located the Corona Normal Institute for colored students, shall be deeded to the State of Alabama."

And the amendment was adopted.

Yeas, 55; nays, 2.

Yeas:

Messrs:—

Speaker

Barnard

Brown (Pike)

Acker

Brewer

Brown (Tuscaloosa)

Avery

Boswell

Bush

Capps	Kilburn	Pitts
Carroll	Knight	Popwell
Cranford	Lavender	Quin
Darden	Letson	Rice
Dennis	Lloyd	Smith
Eastis	Lumpkin	Stollenwerck
Edmonds	Martin (Calhoun)	Sturdivant
Flanagan	Martin (Jackson)	Thomas
Fowkes	McCurdy	Waddell
Fuquay	McDonald	Waits
Griffith	McGowen	Walden
Hood	O'Neill	Walker
James	Parks	Whitley
Jenkins (Baldwin)	Pharr	Wheless
Johnson (Marshall)	Pegram	Wright
Jones		

—55

Nays:

Messrs:—

Greene Huddleston

—2

And the bill:

H. 448. To constitute the Corona Normal and Industrial Institute for colored students near Corona, Walker county, an experiment station under the present board of trustees and appropriate a thousand dollars per annum out of the treasury to the agricultural department not otherwise appropriated for the purpose of operating an experiment station in connection with said Corona Normal and Industrial Institute.

As amended was read a third time at length and passed.

Yeas, 45; nays, 11.

Yeas:

Messrs:—

Speaker	Bush	Eastis
Acker	Capps	Edmonds
Avery	Carroll	Fletcher
Brindley	Cranford	Greene
Brown (Pike)	Darden	Griffith

Helms	Martin (Jackson)	Rice
Horton	McDonald	Richeson
Jackson	McGowen	Rylance
Jenkins (Baldwin)	Nicholson	Smith
Judge	J'Neill	Stollenwerck
Lane	Pharr	Sturdivant
Lavender	Pegram	Thomas
Lawson	Pitts	Waites
Letson	Preston	Walker
Martin (Calhoun)	Quinn	Wheless

—45

## Nays:

## Messrs:—

Boswell	Hood	Ramsey
Flanagan	Johnson (Marshall)	Strickland
Fuquay	Jones	Wright
Gewin	Milner	

—11

S. 278. To appropriate ten thousand dollars for the purpose of constructing and equipping a dormitory and constructing or improving other school and farm buildings for the ninth district agricultural school and experiment station at Blountsville, Alabama.

Was read a third time at length and passed.

Yeas, 58; nays, 0.

## Yeas:

## Messrs:—

Speaker	Darden	Jones
Acker	Eastis	Judge
Arnold	Flanagan	Kilburn
Avery	Fletcher	Knight
Barnard	Fowlkes	Lane
Brewer	Greene	Lavender
Brindley	Griffith	Lee
Brown (Pike)	Huddleston	Letson
Burton	Jackson	Lloyd
Bush	James	Martin (Calhoun)
Capps	Jenkins (Baldwin)	Mulkey
Chamberlain	Johnson (Clarke)	McGowen
Cranford	Johnson (Marshall)	O'Neill

Overton	Quin	Stollenwerck
Page	Rice	Sturdivant
Parks	Richeson	Sullivan
Pegram	Roberson	Walker
Pitts	Rylance	Wheeless
Popwell	Smith	Wilhite

Mr. Fletcher gave notice that on the next legislative day he would call up for passage S. 304, and that he would ask for action on said bill during the afternoon session.

Mr. Lawler gave notice than on the next legislative day he would call up for passage S. 304, and that he would ask for action on said bill during the night session.

#### GOVERNOR'S MESSAGE.

On motion of Mr. Wright the House concurred in and adopted the amendment proposed by the governor to the bill, H. 283, said governor's amendment being as follows:

Montgomery, Ala., April 5th, 1911.

To the House of Representatives:

I herewith return House bill 283 without my approval, and suggest the following amendment to meet my objection thereto:

"Amend section 1 of the bill by adding after the words "Section 28," in the second line of said section, the words "of the code of Alabama, 1907."

Emmet O'Neal,  
Governor.

Yeas, 57; nays, 0.

Yeas:

Messrs:—

Speaker	Brown (Pike)	Chamberlain
Barnard	Burton	Cranford
Brewer	Bush	Darden
Brindley	Butt	Dennis

Eastis	Judge	Pitts
Edmonds	Kilburn	Preston
Flanagan	Knight	Prueett
Fletcher	Lane	Quinn
Fuquay	Lee	Ramsey
Griffith	Letson	Rice
Helms	Lumpkin	Ryland
Hood	Martin (Calhoun)	Smith
Horton	Martin (Jackson)	Stollenwerck
Huddleston	Mathews	Sturdivant
Jackson	McCurry	Sullivan
James	McDonald	Waddell
Jenkins (Bullock)	McGowen	Waites
Johnson (Marshall)	O'Neill	Walden
Jones	Page	Wilhite

—57

H. 470. (With substitute.) To make an appropriation for the extension, enlargement or improvement of the State capitol building, the furnishing of the same and to provide a building commission to have control and supervision thereof.

Was taken up.

The question was upon the adoption of the substitute reported by the standing committee on Appropriations, said substitute being as follows:

Substitute for House bill 470 reported by the committee on Appropriations:

#### A BILL

To be entitled an act to make an appropriation for the extension, enlargement or improvement of the State capitol building, the furnishing of the same, and to provide a building commission to have control and supervision thereof.

*Be it enacted by the Legislature of Alabama:*

Section 1. That a building commission is hereby created to consist of the governor, chief justice of the supreme court of the State of Alabama, attorney gen-



eral, State auditor and secretary of State. The director of the department of archives and history shall be secretary of said commission. The said commission to convene only upon the call of the governor, which said commission is clothed with full power and authority for and in behalf of the State of Alabama, to contract for the extension, enlargement, or improvement of the present State capitol building; provided, that a part of the appropriation hereinafter made, shall be used for the express purpose of providing for the supreme court and appellate court of the State of Alabama, the executive department and the secretary of State; provided further, that a part of the appropriation hereinafter made, shall also be used in refurnishing the halls of the Senate and of the House of Representatives, and for fitting up suitable legislative committee rooms and for the relief of the general congested condition of the other departments of the State government. The said building committee shall have the power to adopt all necessary rules, regulations and plans for its own guidance and for the proper conduct of the duties herein imposed, it shall keep a regular journal of its proceedings and shall make a detailed report of its entire work and operation to the next session of the Legislature; provided, that the members of said commission are to serve without compensation.

Sec. 2. That the sum of one hundred thousand dollars, one-half of said sum to be available during the fiscal year ending September 30th, 1912, and the remainder of said sum to be available during the fiscal year 1913, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State treasury not otherwise appropriated for the purpose of carrying out the provisions of the preceding section, and the State auditor is hereby authorized to draw his warrant for the said amount or any part thereof, on the State treasurer only upon the requisition of the governor, accompanied by a certificate that said amount or amounts have been contracted for and that the work and labor have been performed.

And the substitute was adopted.

Yeas, 50; nays, 21.

## Yeas:

## Messrs:—

Speaker	Fowlkes	McDonald
Avery	Fuquay	McGowen
Barnard	Gewin	Nicholson
Boswell	Griffith	O'Neill
Brown (Pike)	Helm	Overton
Brown (Tuscaloosa)	Horton	Parks
Bush	Liddleston	Pegram
Butt	Jackson	Pitts
Capps	Jenkins (Bullock)	Pruett
Carroll	Jones	Quin
Chamberlain	Judge	Rice
Cranford	Knight	Smith
Darden	Lane	Stollenwerck
Dennis	Lavender	Sturdivant
Eastis	Lloyd	Sullivan
Flanagan	Martin (Calhoun)	Waddell
Fletcher	Martin	

—50

## Nay:

## Messrs:—

Bell (Pickens)	Johnson (Clarke)	Popwell
Brindley	Johnson (Marshall)	Richeson
Burton	Lee	Walden
Edmonds	Merritt	Walker
Fuquay	Milner	Whatley
Hood	Mulkey	Wilhite
James	Page	Wright

—21

## And the bill:

H. 470. To make an appropriation for the extension, enlargement or improvement of the State capitol building, the furnishing of the same and to provide a building commission to have control and supervision thereof.

As amended was read a third time at length and passed.

Yeas, 50; nays, 18.

## Yeas:

Messrs:—

Speaker	Griffith	McDonald
Avery	Horton	McGowen
Barnard	Huddleston	Overton
Brown (Pike)	Jackson	Parks
<del>Brown (Tuscaloosa)</del>	Jenkins (Bullock)	Pharr
Bush	Jones	Pegram
Butt	Judge	Pitts
Carroll	Knight	Pruett
Chamberlain	Lane	Rice
Cranford	Lavender	Rylance
Darden	Letson	Smith
Dennis	Lloyd	Stollenwerck
Eastis	Lumpkin	Sturdivant
Flanagan	Martin (Calhoun)	Thomas
Fletcher	Martin (Jackson)	Waddell
Gewin	Mathews	Waits
Greene	McCurdy	

—50

## Nays:

Messrs:—

Brindley	Johnson (Clarke)	Sanders
Barton	Johnson (Marshall)	Walden
Capps	Merritt	Walker
Edmonds	Milner	Whatley
Fuquay	Page	Wilhite
Hood	Popwell	Wright

—18

## RECESS.

The hour of 5:30 o'clock having arrived the House recessed until 8 o'clock.

## NIGHT SESSION.

The hour of 8 o'clock having arrived, the House reconvened.

## BILLS ON THIRD READING.

H. 521. (With amendment.) To amend section 733 of the code of 1907.

Was taken up.

The question was upon the adoption of the amendment reported by the standing committee on Appropriations, said amendment being as follows:

Amend section 733 by striking out of line two, the words and figures "thirty-six thousand (\$36,000.00) dollars," and inserting in lieu thereof the words and figures "twenty-five thousand (\$25,000.00) dollars."

And the amendment was adopted.

Yeas, 62; nays, 0.

Yeas:

Messrs:—

Speaker	Jackson	Parks
Arnold	James	Pegram
Avery	Jenkins (Bullock)	Pitts
Barnard	Johnson (Clarke)	Popwell
Brindley	Johnson (Marshall)	Preston
Boswell	Kilburn	Quinn
Butt	Knight	Roberson
Chamberlain	Lane	Rylance
Eastis	Lawson	Sanders
Edmonds	Lee	Stollenwerck
Flanagan	Letson	Sturdivant
Fletcher	Lloyd	Sullivan
Fowlkes	Martin (Calhoun)	Thomas
Fuquay	Martin (Jackson)	Twombly
Greene	Mathews	Walden
Griffith	Milner	Walker
Helms	McDonald	Whatley
Hollis (Choctaw)	McGowen	Wheless
Hood	O'Neill	Willhite
Horton	Overton	Wright
Huddleston	Page	

—62

And the bill:

H. 521. To amend section 733 of the code of 1907.

As amended was read a third time at length and passed.

Yeas, 59; nays, 3.

Yeas:

Messrs:—

Speaker	Jackson	Parks
Arnold	James	Pharr
Avery	Jenkins (Buflock)	Pegram
Barnard	Johnson (Clarke)	Preston
Brindley	Jones	Pruett
Boswell	Knight	Quinn
Burton	Lane	Ramsey
Butt	Lawler	Roberson
Chamberlain	Lawson	Rylance
Eastis	Lee	Sanders
Edmonds	Letson	Stollenwerck
Flanagan	Lumpkin	Sturdivant
Fletcher	Martin (Calhoun)	Thomas
Fowlkes	Martin (Jackson)	Twombly
Gewin	Mathews	Walden
Griffith	McDonald	Walker
Helms	McGowen	Wheless
Hood	O'Neill	Wilhite
Horton	Overton	Wright
Huddleston	Page	

—59

Yeas:

Messrs:—

Johnson (Marshall) Pitts

Whatley

—3

H. 570. To repeal an act entitled an act to establish the Morgan county law and equity court; to create and define its jurisdiction; to provide its officers, their powers, duties and compensation; to fix the terms of said courts, and to prescribe rules and procedure for said court and to provide for the disposition of all causes now pending in said court.

Was taken up.

Mr. Wilhite offered the following amendment to the bill:

Amend House bill 570 by striking out section three (3) and that part of section four (4) down to and including the words "shall be declared abolished as provided in this bill," where the same appear near the end of said section.

And the amendment was adopted.

Yeas, 55; nays, 17.

Yeas:

Messrs:—

Avery	Greene	O'Neill
Barnard	Griffith	Parks
Bell (Pickens)	Helms	Pharr
Brewer	Hood	Pitts
Brindley	Huddleston	Popwell
Boswell	Jenkins (Bullock)	Pruett
Burton	Johnson (Marshall)	Quinn
Bush	Judge	Ramsey
Butt	Lawler	Sanders
Capps	Lawson	Strickland
Chamberlain	Lee	Stollenwerck
Darden	Letson	Sullivan
Dennis	Lloyd	Twombly
Eastis	Martin (Calhoun)	Waddell
Edmonds	Martin (Jackson)	Walker
Flanagan	Mathews	Whatley
Fletcher	Milner	Wilhite
Fowlkes	McDonald	Wright
Gewin		

—55

Nays:

Messrs:—

Speaker	Johnson (Clarke)	Rice
Acker	Jones	Richeson
Bell (Autauga)	Knight	Thomas
Horton	Merritt	Walden
Jackson	Page	Wheless
James	Preston	

And the bill was

32 H. 570. To repeal an act entitled an act to establish the Morgan county law and equity court; to create and

define its jurisdiction; to provide its officers, their powers, duties and compensation; to fix the terms of said courts, and to prescribe rules and procedure for said court and to provide for the disposition of all causes now pending in said court.

As amended was read a third time at length and passed.

Yeas, 52; nays, 26.

### Yeas:

Messrs:—

Avery	Griffith	Pitts
Barnard	Helms	Popwell
Bell (Pickens)	Hood	Pruett
Brewer	Huddleston	Quinn
Boswell	Jenkins (Bullock)	Ramsey
Brown (Pike)	Johnson (Marshall)	Roberson
Burton	Judge	Sanders
Bush	Lawler	Strickland
Butt	Lee	Stollenwerck
Capps	Lloyd	Sturdivant
Chamberlain	Martin (Calhoun)	Sullivan
Darden	Martin (Jackson)	Twombly
Dennis	Mathews	Waddell
Eastis	McDonald	Walker
Edmonds	O'Neill	Whatley
Flanagan	Parks	Wilbite
Fletcher	Pharr	Wright
Gewin		

—52

### Nays:

Messrs:—

Speaker	Hollis (Choctaw)	Letson
Acker	Horton	Merritt
Bell (Antauga)	Jackson	Milner
Brindley	James	Page
Cranford	Johnson (Clarke)	Rice
Fowlkes	Jones	Richeson
Fuquay	Kilburn	Thomas
Greene	Lawson	Wheless

—26

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment, proposed by his excellency, the governor, to:

H. 283. To amend sections 28, 29 and 32 of the code of Alabama, 1907.

Yeas, 19; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

## BILLS ON THIRD READING.

H. 668. (With substitute). To appropriate the sum of \$10,000.00 for the erection of a dormitory to be used by students of the fifth congressional district agricultural school located at Wetumpka, Alabama.

Was taken up.

The question was upon the adoption of the amendment reported by the standing committee on Appropriations, said amendment being as follows:

Strike out the words and figures "ten thousand (\$10,000.00) dollars" wherever they occur, and insert in lieu thereof the words and figures "seven thousand five hundred (\$7,500.00) dollars."

Mr. Huddleston offered the following substitute for the bill and amendment:

## A BILL

To be entitled an act to appropriate the sum of four thousand dollars for the erection of a dormitory to be used by the students of the fifth congressional district agricultural school located at Wetumpka, Alabama, and also to appropriate the sum of one hundred dollars to each public school district in Elmore county, Alabama, upon request of board of education of said county.



Section 1. *Be it enacted by the Legislature of Alabama,* That the sum of four thousand dollars is hereby appropriated for the erection of a dormitory to be used by the students of the fifth congressional district agricultural school located at Wetumpka, Alabama, and one hundred dollars to each public school district in said county of Elmore for the building and repairing, seating and painting of rural school houses where the fifth congressional district agricultural school is located, to be paid upon the request of the county board of education of Elmore county.

Section 2. That the State auditor is hereby authorized and directed to draw his warrant on the State treasurer in favor of the treasurer of the board of control of the fifth congressional district agricultural school for the sum of four thousand dollars and also to draw his warrant on the State treasurer in favor of the county superintendent of education of Elmore county, Alabama, for the sum of one hundred dollars for each public school district in said Elmore county when requested to do so by the board of education of Elmore county, and the said State treasurer is hereby authorized and directed to pay the amount of said warrant out of the funds of the State treasury not otherwise appropriated.

Section 3. That the said sum of \$4,000.00 shall be expended by the board of control of the said fifth congressional district agricultural school in the erection of a dormitory on grounds already owned by the said school and the said sum of four thousand dollars is hereby made available on or after October 1st, 1911, and the said sum of one hundred dollars for each public school district mentioned to be made available at the same time.

Sec. 4. All laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Mr. Milner moved to table the substitute offered by Mr. Huddleston, and the motion prevailed.

And the amendment offered by the committee was adopted.

Yeas, 52; nays, 16.

**Yeas:****Messrs:—**

Speaker	Hollis (Choctaw)	McGowen
Acker	Horton	O'Neill
Barnard	Huddleston	Overton
Bell (Autauga)	Jackson	Page
Brindley	Jenkins (Bullock)	Pharr
Boswell	Jones	Pegram
Brown (Pike)	Lane	Preston
Brown (Tusculloosa)	Lawler	Ramsey
Burton	Lawson	Rylance
Bush	Letson	Sanders
Butt	Lloyd	Smith
Capps	Lumpkin	Sturdivant
Chamberlain	Martin (Calhoun)	Sullivan
Cranford	Martin (Jackson)	Thomas
Eastis	Merritt	Walker
Fletcher	Milner	Wheless
Gewin	McDonald	Wright
Griffith		

—52

**Nays:****Messrs:—**

Edmonds	Kilburn	Popwell
Flanagan	Lee	Pruett
Fuquay	Mathews	Quinn
Greene	McCurdy	Twombly
Hood	Pitts	Waddell

—16

**And the bill:**

H. 668. To appropriate the sum of \$10,000.00 for the erection of a dormitory to be used by the students of the fifth congressional district agricultural school located at Wetumpka Alabama.

As amended was read a third time at length and passed.

Yeas, 42; nays, 27.

## Yeas:

Messrs:—

Acker	Fletcher	McDonald
Arnold	Fowlkes	Nicholson
Barnard	Gewin	O'Neill
Bell (Autauga)	Hollis (Choctaw)	Page
Brindley	Horton	Pharr
Boswell	Johnson (Marshall)	Pegram
Brown (Pike)	Judge	Pitts
Bush	Knight	Smith
Butt	Lane	Sturdivant
Chamberlain	Lawler	Sullivan
Cranford	Lawson	Waddell
Dennis	Letson	Walker
Eastis	Mathews	Wheless
Flanagan	Merritt	Wilhite

—42

## Nays:

Messrs:—

Avery	Lee	Rylance
Bell (Pickens)	Letson	Sanders
Burton	Mathews	Strickland
Edmonds	Merritt	Stollenwerck
Fuquay	McCurdy	Thomas
Greene	Overton	Twombly
Helms	Preston	Walden
Hood	Pruett	Whatley
Johnson (Clarke)	Quinn	Wright

—27

H. 338. To amend sections 60 (406), 61 (407) and 67 (413) of the code of Alabama of 1907.

Was taken up, and on motion of Mr. Huddleston was laid upon the table.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 699. To amend sections 4031 and 4032 of the code of Alabama.

H. 732. To amend section 3231 of the code of Alabama.

H. 593. For the relief of Andrew Gray of Jefferson county, Alabama, and to authorize and direct the treasurer of Jefferson county, Alabama to pay said Andrew Gray or his attorney of record the sum of \$263.94 earned by the said Gray while wrongfully working as a convict at hard labor for Jefferson county, Alabama.

H. 702. To authorize and require the clerk of the criminal court of Jefferson county to make and keep a record of all affidavits and warrants returnable to said court for trial; to fix fees for such services and to authorize trials upon certified copies of affidavits lost, destroyed or mislaid.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

#### REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

The committee on Enrolled Bills have examined the following House bills:

H. 216. To appropriate \$2,090.06 out of the State treasury in favor of the city of Montgomery for the pavement and improvement on Monroe street extending from Bainbridge street to Union street abutting the property known as the "State capitol grounds."

H. 282. To amend sections 1861, 1862 and 1863 of the code of Alabama.

H. 319. To abolish the county court of Montgomery county.

H. 327. To amend sections 4594 and 4595 of the code of Alabama.

H. 413. To appropriate the sum of \$7,500.00 for the completion of the school building of the Randolph county high school located at Wedowee; the main school building being destroyed by fire November 30th, 1910.

H. 429. To prevent the catching of fish from Alabama waters for commercial purposes by non-residents of Alabama.

H. 563. To regulate the manufacture, sale and other disposition of spirituous, vinous and malt li-

quors in the incorporated towns and cities in the State of Alabama whenever such manufacture, sale or other disposition is authorized at and by an election by the qualified electors of the county in which such town or city is situated, for determining in and by such elections whether the sale of such ~~liquors shall be by dispensary or by private dealers under~~ license, to regulate the establishment and operation of such dispensaries as may be so authorized; to provide for the creation of an excise commission in such cities or towns in which the manufacture and sale of said liquors are authorized as herein provided; to prescribe the power and duties of such excise commission wherein the manufacture and sale of said liquors under license is authorized as herein provided; to prescribe the amount of license taxes to be paid by each licensee and the respective portions of the net revenue of each dispensary to be paid, respectively to the state, city or town operating the same, and the county in which the same is operated; to require a bond of each licensee and prescribe its office, purpose and liabilities; to prohibit the manufacture, sale, barter, exchange or giving away to induce trade of said liquors, or any other intoxicating liquors or beverages in the State of Alabama, except as authorized by this act, and under a license obtained and held as in this act provided, and to make unlawful, and to prescribe penalties and punishments for all violations of this act.

H. 693. To dissolve the corporate existence of the town of Coal City, Alabama.

H. 699. To amend sections 4031 and 4032 of the code of Alabama.

H. 732. To amend section 3231 of the code of Alabama.

And find same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly

read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled Bills.

# BILL ON THIRD READING.

H. 537. To amend section five hundred and sixty-one of the code of Alabama.

Was read a third time at length and passed.

Yeas, 52; nays, 19.

## Yeas:

Messrs:—

Speaker	Griffith	McDonald
Acker	Hollis (Choctaw)	O'Neill
Arnold	Horton	Overton
Avery	Huddleston	Parks
Barnard	Jackson	Pegram
Bell (Autauga)	James	Pitts
Boswell	Jenkins (Bullock)	Preston
Brown (Pike)	Johnson (Clarke)	Pruett
Bush	Johnson (Marshall)	Quinn
Butt	Jones	Smith
Chamberlain	Judge	Stollenwerck
Cranford	Knight	Sturdivant
Dennis	Lane	Sullivan
Eastis	Lawson	Waddell
Flanagan	Lloyd	Walker
Fletcher	Lumpkin	Wheeless
Fowlkes	Martin (Jackson)	Wright
Gewin		

—52

## Nays:

Messrs:—

Bell (Pickens)	Jenkins (Baldwin)	Roberson
Burton	Merritt	Rylance
Capps	Milner	Sanders
Edmonds	McCurdy	Twombly
Fuquay	Page	Whatley
Helms	Popwell	Williams
Hood		

—19

## GOVERNOR'S MESSAGE.

The following message from the governor was received and ordered spread upon the Journal:

April 4th, 1911.

~~To the Legislature:~~

I call your attention to Senate bill 238, which provides for a re-organization of a department now existing; and to its companion bills, Senate bills numbers 263, 264 and 265, all now on the calendar of the House, and all having unanimously passed the Senate.

It is the purpose of these bills to re-organize and to make more effective the department charged with the duty of inspecting the jails, prisons, almshouses, penitentiaries and asylums in the State of Alabama.

The purposes of these bills are entirely in the interest of humanity, and if enacted into laws will prove of inestimable benefit to the people of the State.

In the sixth biennial report of the board of inspectors of convicts made in the year 1906, Dr. Shirley Bragg, its then president, stated in substance that every jail in Alabama was reeking with filth and disease, and he strongly recommended legislation on the subject.

In 1907 a bill was enacted providing for a jail inspector, and under the provisions of that bill conditions in the jails of the State have very materially improved.

My information is that there is yet room for much improvement, not only in the jails but also in the county almshouses and prisons of the State, and that they should be made subjects of strict supervision by a sanitary expert.

The medical world is at this time devoting its best efforts to minimize the spread of tuberculosis, and our prisons, jails and admshouses are said to be fruitful sources of this infection.

During the past two years, I am informed, all of the deaths at the State penitentiary at Wetumpka were from tuberculosis, with two exceptions and these were from accidental causes. It is reasonable to suppose that many of these unfortunates contracted this dis-

ease while in some jail of the State awaiting trial; and everything should be done by the authorities to see that all of our jails, prisons, almshouses and asylums are kept in perfect sanitary condition.

Jails, as a rule, are places of safe-keeping of persons charged with criminal offenses until they are tried, and humanity demands that while they are so kept they should be well fed, that their quarters should be kept in the best possible sanitary condition, and their health fully protected by every means possible.

Attention is also called to the fact that supervision is now required by law of all manufacturing concerns employing child labor, and that the said prison inspector, provided for in Senate bill number 238, is required to see to the proper enforcement of the child labor law.

Every one knows the purpose which actuated the Legislature in creating the child labor law, and I deem it of great importance that it should come under the direct supervision of the State prison inspector, as contemplated in Senate bill 264.

I am thoroughly conversant with the provisions of the bills to which I have above referred, and I strongly commend each of them to your early and favorable consideration.

Emmet O'Neal,  
Governor.

#### BILLS ON THIRD READING.

S. 362. To amend sections 555, 558 and 560 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 49; nays, 18.

Yeas:

Messrs:—

Acker	Bush	Fletcher
Arnold	Butt	Gewin
Bell (Autauga)	Chamberlain	Greene
Brewer	Doswell	Griffith
Brown (Pike)	Eastis	Hollis (Choctaw)



Horton	Lawson	Preston
Huddleston	Lloyd	Pruett
Jackson	Martin (Calhoun)	Quinn
James	Martin (Jackson)	Rice
Jenkins (Bullock)	McDonald	Smith
Johnson (Marshall)	McGowen	Stollenwerck
Jones	Overton	Sturdivant
Judge	Page	Sullivan
Knight	Pharr	Thomas
Lane	Pegram	Waddell
Lavender	Pitts	Walker
Lawler		

—49

## Nays:

Messrs:—

Brindley	Fuquay	Merritt
Boswell	Helms	Popwell
Brown (Tuscaloosa)	Hood	Strickland
Burton	Jenkins (Baldwin)	Twombly
Capps	Johnson (Clarke)	Walden
Fowlkes	Mathews	Whatley

—18

S. 238. (With amendment). To provide for the creation of the office of State prison inspector; to prescribe the duties and powers of such office; to provide for the necessary assistants to said inspector; to fix the compensation of such inspector and his assistants; to provide for the construction, the regulation, the management, the maintenance, the operation, the healthfulness, and the sanitation of all county jails, almshouses, and such town and city prisons as are in towns or cities of ten thousand or more population according to the last federal census, under the supervision of said inspector; and to prescribe the duties of the various public officials with respect thereto, and to provide punishment for violations of this act.

Was taken up.

The question was upon the adoption of the amendment reported by the standing committee on Penitentiary and Criminal Administration, said amendment being as follows:

Amendments by committee:

To amend section 7 by adding the following: "Provided that if additions or new buildings are ordered, the county or municipal body or board may appeal to the governor, who shall have final power and control in the matter."

To amend section 8 by adding after the word "inspector" where it appears in the first line, the words "subject to appeal to the governor."

To amend section 13 by striking out the words "thirty days" where they appear in the seventh line, and adding in lieu thereof, the following: "such reasonable time as may be designated by the inspector."

To amend section 14 by inserting after the words, "to be designated by the inspector," where they appear on the tenth line thereof, the following: "provided further that in the event of the condemnation of any jail under this section in which are confined more than one hundred prisoners, the said inspector may designate the Alabama State penitentiary as the most suitable place for removal of said prisoners."

To amend section 24 by striking it out as an entirety.

To amend section 2 by adding after the words "six years" where they appear in the second line thereof, the following: "and until his successor is duly appointed or elected and qualified."

To amend section 2 by adding at the end thereof, the following: "Provided that at the expiration of the term of office of the State prison inspector as herein provided for, said State prison inspector shall be elected by the State board of health, and shall thenceforth discharge the duties of his office in connection with and as a part of the work of the State board of health."

Amend by striking out the words: "four thousand dollars" where they appear in the second section and insert in lieu thereof: "three thousand dollars."

Amend the third section by striking out the words "and a stenographer" in the second line and by adding after the words "chief clerk" in the first line "who must be a stenographer."

And the amendment was adopted.

Yeas, 72; nays, 6.

**Yeas:**

Messrs:—

Acker	Griffith	O'Neill
Arnold	Helms	Overton
Avery	Hollis (Walker)	Page
Barnard	Hood	Parks
Bell (Antauga)	Horton	Pharr
Bell (Pickens)	Huddleston	Pegram
Brewer	Jackson	Pitts
Brown (Pike)	James	Popwell
Burton	Jenkins (Baldwin)	Pruett
Bush	Johnson (Marshall)	Quinn
Butt	Jones	Ramsey
Carroll	Judge	Rice
Chamberlain	Knight	Richeson
Cranford	Lane	Rylance
Dennis	Lavender	Smith
Doswell	Lawler	Strickland
Eastis	Lee	Stollenwerck
Edmonds	Letson	Sturdivant
Flanagan	Lloyd	Sullivan
Fletcher	Lumpkin	Thomas
Fowlkes	Martin (Calhoun)	Walker
Fuquay	Martin (Jackson)	Whately
Gewin	McDonald	Wheless
Greene	McGowen	Wright

—72

**Nays:**

Messrs:—

Capps	Milner	Twombly
Mathews	McCurdy	Walden

—6

And the bill:

S. 238. To provide for the creation of the office of State prison inspector; to prescribe the duties and powers of such office; to provide for the necessary assistants to said inspector; to fix the compensation of such inspector and his assistants; to provide for the construction, the regulation, the management, the maintenance, the operation, the healthfulness, and the sanitation of all county jails, alms-houses, and such town and

city prisons as are in towns or cities of ten thousand or more population according to the last Federal census, under the supervision of said inspector, and to prescribe the duties of the various public officials with respect thereto, and to provide punishment for violations of this act.

As amended was read a third time at length and passed.

Yeas, 59; nays, 18.

### Yeas:

Messrs:—

Acker	Horton	O'Neill
Arnold	Huddleston	Overton
Avery	Jackson	Page
Barnard	James	Parks
Bell (Autauga)	Jenkins (Baldwin)	Pegram
Brown (Pike)	Jenkins (Bullock)	Pitts
Bush	Jones	Popwell
Butt	Judge	Preston
Carroll	Knight	Pruett
Chamberlain	Lane	Quinn
Cranford	Lavender	Ramsey
Darden	Lawler	Rice
Dennis	Lawson	Rylance
Fowlkes	Lee	Smith
Fuquay	Lloyd	Stollenwerck
Gewin	Lumpkin	Sturdivant
Greene	Martin (Jackson)	Sullivan
Griffith	McDonald	Waddell
Hollis (Choctaw)	McGowen	Walker
Hood	Nicholson	

—59

### Nays:

Messrs:—

Bell (Pickens)	Johnson (Clarke)	McCurdy
Boswell	Johnson (Marshall)	Richeson
Burton	Kilburn	Twombly
Capps	Mathews	Walden
Eastis	Merritt	Wright
Edmonds	Milner	

—18

S. 321. (With amendment.) To appropriate the two and three per cent funds now in the treasury of the State to the Mobile and West Alabama Railroad Company, and to the Alabama, Tennessee and Northern Railroad Company.

Was taken up.

The question was upon the adoption of the amendment reported by the ~~standing committee on Appropriations~~, said amendment being as follows:

Amend the title of said bill by striking out where they occur therein, the words "the Mobile and Montgomery and West Alabama Railroad Company," and inserting in lieu thereof the words, "the Montgomery and Chattanooga Railroad Company."

Also by striking out of section 1 where they occur therein in the last line thereof, "the Mobile and West Alabama Railroad Company," and inserting in lieu thereof, the words, "the Montgomery and Chattanooga Railroad Company."

Also by striking out of section 2 where they occur therein, the words, "the Mobile and West Alabama Railroad Company," and inserting in lieu thereof the words, "The Montgomery and Chattanooga Railroad Company."

Also by adding at the end of section 3, the words, "and from Montgomery, Alabama to Chattanooga, Tennessee."

And the amendment was adopted.

Yeas, 62; nays, 0.

Yeas:

Messrs:—

Speaker	Butt	Fuquay
Acker	Capps	Gewin
Arnold	Carroll	Greene
Avery	Chamberlain	Griffith
Barnard	Cranford	Helms
Bell (Autauga)	Darden	Hood
Brown (Pike)	Dennis	Huddleston
Burton	Eastis	Jackson
Bush	Fowlkes	James

Jenkins (Baldwin)	Merritt	Ramsey
Jones	McCurdy	Rice
Judge	McDonald	Richeson
Knight	McGowen	Roberson
Lane	Overton	Smith
Lavender	Page	Stollenwerck
Lawler	Parks	Sturdivant
Lawson	Pharr	Twombly
Lee	Pitts	Waddell
Lloyd	Popwell	Walker
Lumpkin	Preston	Wheelless
Martin (Calhoun)	Pruett	

—62

And the bill:

S. 321. To appropriate two and three per cent funds now in the treasury of the State to the Mobile and West Alabama Railroad Company, and to the Alabama, Tennessee and Northern Railroad Company.

As amended was read a third time at length and passed.

Yeas, 68; nays, 0.

Yeas:

Messrs:—

Speaker	Fowlkes	Knight
Acker	Fuquay	Lane
Arnold	Gewin	Lawler
Avery	Greene	Lawson
Barnard	Griffith	Lee
Bell (Autauga)	Helms	Letson
Bell (Pickens)	Hood	Lumpkin
Brown (Pike)	Horton	Martin (Calhoun)
Barton	Huddleston	Martin (Jackson)
Bush	Jackson	Merritt
Butt	James	Milner
Capps	Jenkins (Baldwin)	McCurdy
Chamberlain	Jenkins (Bullock)	McDonald
Cranford	Johnson (Clarke)	Overton
Darden	Jones	Page
Eastis	Judge	Parks
Fletcher	Kilburn	Pharr

Pegram	Richeson	Sullivan
Pitts	Sanders	Thomas
Preston	Smith	Twombly
Pruett	Strickland	Walden
Ramsey	Stollenwerck	Wheless
Rice	Sturdivant	

—68

Mr. Huddleston gave notice that on the next legislative day he would call up for passage S. 329.

H. 372. To amend section 13 of an act, entitled "An act to prescribe the qualifications of jurors and regulate the selection, drawing and summoning of jurors, and prescribe the qualifications and provide for the appointment of jury commissioners and clerks of such commissions and regulate the empaneling of grand and petit jurors in all the courts of this State." Said act is known as the jury law and was approved August 31, 1909.

Was read a third time at length and passed.

Yeas, 57; nays, 5.

Yeas:

Messrs:—

Speaker	Helms	Merritt
Acker	Horton	McDonald
Arnold	Huddleston	McGowen
Barnard	James	Overton
Bell (Antauga)	Jenkins (Baldwin)	Parks
Bell (Pickens)	Johnson (Clarke)	Pharr
Brewer	Johnson (Marshall)	Pegram
Brown (Pike)	Jones	Pitts
Brown (Tuscaloosa)	Judge	Popwell
Bush	Kilburn	Pruett
Capps	Knight	Rice
Chamberlain	Lane	Richeson
Cranford	Lawler	Rylance
Darden	Lee	Sullivan
Eastis	Letson	Twombly
Fletcher	Lloyd	Waddell
Fowlkes	Lumpkin	Walden
Greene	Martin (Calhoun)	Walker
Griffith	Martin (Jackson)	Wilhite

—57

Nays:

Messrs:—

Butt

Edmonds

Wright

Dennis

Stollenwerck

—5

#### RESOLUTION.

Mr. Arnold offered the following resolution:

Resolved by the House that Senate bill 421 being a bill to amend section 9 of an act to establish a court of appeals for the State of Alabama be made a special paramount continuing order for the next legislative day of this House.

And the resolution was referred to the standing committee on Rules.

#### BILLS ON THIRD READING.

H. 463. To amend sections eight hundred and twenty-eight (828) and eight hundred and thirty-five (835) of the political code of 1907.

Was taken up.

The question was upon the adoption of the amendment reported by the standing committee on Appropriations, said amendment being as follows:

Amend by striking out the words "fifteen thousand dollars" where the same appears and insert in lieu thereof "ten thousand dollars."

On motion of Mr. Martin of Jackson the amendment was laid upon the table.

Mr. Martin of Jackson offered the following amendment to the bill:

Amend H. 463 by striking out the words "fifteen thousand dollars" where the same appear in said bill and insert in lieu thereof the words, "five thousand dollars (\$5,000.00)."

And the amendment was adopted.

Yeas, 54; nays, 6.



Yeas :

Messrs :—

Speaker	Jackson	Pharr
Acker	James	Pegram
Arnold	Jenkins (Baldwin)	Pitts
Barnard	Jenkins (Bullock)	Popwell
Brewer	Johnson (Marshall)	Pruett
Brindley	Jones	Quinn
Burton	Knight	Rice
Butt	Lane	Richeson
Capps	Lawler	Smith
Chamberlain	Lee	Stollenwerck
Cranford	Lloyd	Sullivan
Darden	Martin (Calhoun)	Thomas
Dennis	Martin (Jackson)	Twombly
Eastis	McDonald	Waddell
Greene	McGowen	Walker
Griffith	O'Neill	Wheless
Helms	Overton	Wilhite
Hood	Page	Wright

—54

Nays :

Messrs :—

Bell (Pickens)	Johnson (Clarke)	Milner
Fowlkes	Letson	Ramsey

—6

Mr. Almon offered the following amendment to the bill :

Amend by striking out the words "six years" and insert in lieu thereof the words "four years."

And the amendment was adopted.

Yeas, 53 ; nays, 7.

Yeas :

Messrs :—

Speaker	Brindley	Capps
Avery	Brown (Pike)	Darden
Bell (Autauga)	Brown (Tuscaloosa)	Fletcher
Bell (Pickens)	Burton	Fowlkes
Brewer	Butt	Griffith

Helms	Letson	Pitts
Hollis (Choctaw)	Lloyd	Popwell
Hood	Lumpkin	Quinn
Horton	Martin (Calhoun)	Ramsey
Jackson	Martin (Jackson)	Rice
Jenkins (Baldwin)	Merritt	Richeson
Jenkins (Bullock)	Milner	Strickland
Johnson (Clarke)	McCurdy	Stollenwerck
Johnson (Marshall)	McGowen	Sturdivant
Lane	Overton	Waddell
Lavender	Page	Walker
Lawson	Pharr	Wilhite
Lee	Pegram	

—53

## Nays:

Messrs:—

Chamberlain	Knight	O'Neill
Greene	McDonald	Wright
Huddleston		

—7

## And the bill:

H. 463. To amend sections eight hundred and twenty-eight (828) and eight hundred and thirty-five (835) of the political code of 1907.

As amended was read a third time at length and passed.

Yeas, 54; nays, 0.

## Yeas:

Messrs:—

Speaker	Capps	James
Acker	Darden	Jenkins (Baldwin)
Arnold	Dennis	Jenkins (Bullock)
Barnard	Eastis	Johnson (Marshall)
Bell (Pickens)	Edmonds	Jones
Brewer	Fletcher	Judge
Brindley	Fowlkes	Knight
Brown (Pike)	Griffith	Lane
Brown (Tuscaloosa)	Helms	Lavender
Burton	Hollis (Choctaw)	Letson
Butt	Horton	Lloyd

Lumpkin	Overton	Rylance
Martin (Calhoun)	Page	Smith
Martin (Jackson)	Pharr	Stollenwerck
Milner	Pitts	Sturdivant
McDonald	Pruett	Thomas
McGowen	Quinn	Wheeless
O'Neill	Rice	Wilhite

H. 285. To provide for the building, repairing, and equipping rural school houses in this State by revising sections 1975, 1976, 1977, 1981 and 1992 of the code of Alabama of 1907.

Was taken up.

Mr. Richeson offered the following substitute to the bill:

#### A BILL

To be entitled an act to amend sections 1975, 1976, 1977, 1981, 1992, 1993 and 1989 of the code of Alabama of 1907.

Be it enacted by the Legislature of Alabama, That sections 1975, 1976, 1977, 1981, 1992, 1993, and 1989 of the code of Alabama, 1907, be and the same are amended as follows:

Section 1. That section 1975 be amended so as to read as follows: 1975. The sum of one hundred thousand five hundred dollars shall be appropriated annually or so much thereof as is necessary, out of the fund arising from the sale of fertilizer tags by the commissioner of agriculture and industries and from any other funds in the State treasury not otherwise expended, for the purpose of aiding in the erection, repairing, and equipping rural school houses in this State.

Section 2. That section 1976 be amended so as to read as follows: 1976. Not more than fifteen hundred dollars of this appropriation shall be used or paid out in any one county of this State in a separate fiscal year; provided this shall not apply to any reapportioned balances as provided for in section 1992 of this act.

Section 3. That section 1977 be amended so as to read as follows: 1977. The district trustees of any school district, no part of which lies in an incorporated city, town, or village, having secured bona fide donations or subscriptions of not less than one hundred dollars if for erecting and not less than twenty-five dollars if for repairing or equipping a public school house in their district, may make application to the county superintendent of education to receive the benefits of this article.

Section 4. That section 1981 be amended so as to read as follows: 1981. The amount so recommended for any district shall in no case exceed the amount secured by donation and subscriptions; nor shall the total in any year for any school house exceed three hundred dollars.

Section 5. That section 1992 be amended so as to read as follows: 1992. If at the end of any fiscal year, the whole appropriation for that year has not been exhausted, the State auditor and the State treasurer shall carry the unexpended balance forward, and this balance shall be appropriated equally among the counties of the State in addition to the regular appropriation of fifteen hundred dollars for the current year.

Section 6. That section 1993 be amended so as to read as follows: 1993. The proceeds of all warrants issued under this article shall be used only for the erection or the repairing or the equipping of public school houses in the district for the benefit of which they shall be issued, and it shall be unlawful to use or apply the same to any other purpose whatsoever.

Section 7. That section 1989 be amended so as to read as follows: 1989. Whenever it shall be shown to the satisfaction of the county superintendent of education that the erection, repairing or equipping of a public school house has been commenced and the amount of subscription or donation secured and the deed has been executed, conveying to the State of Alabama for the benefit of said district, the lot or parcel of land on which said public school house is being erected or repaired, the county superintendent shall

indorse and deliver to the district trustees said warrant and the amount or sums of money named in the same shall be paid to said trustees or to their successors in office, the proceeds of which shall be applied by the trustees to the building or repairing of the public school house for which such warrant was issued.

Section 8. That all laws and parts of laws in conflict with the provisions of this act be and they are hereby repealed.

Mr. Huddleston offered the following amendment to the substitute:

Amend substitute to H. 285 by striking out the words "one hundred thousand five hundred" where they occur in said substitute and insert in lieu thereof "one hundred thirty-four thousand."

And amend the substitute by striking out the words "fifteen hundred" where they occur in the same and insert in lieu thereof the words "two thousand."

On motion of Mr. Jenkins of Baldwin the amendment was laid upon the table.

And the substitute was adopted.

Yeas, 57; nays, 1.

Yeas:

Messrs:—

Speaker	Helms	Lumpkin
Acker	Hollis (Choctaw)	Martin (Calhoun)
Arnold	Hood	Martin (Jackson)
Barnard	Horton	Merritt
Brewer	Huddleston	Milner
Brindley	James	McDonald
Brown (Pike)	Jenkins (Bullock)	McGowen
Burton	Johnson (Clarke)	Overton
Capps	Johnson (Marshall)	Page
Darden	Judge	Parks
Dennis	Knight	Pegram
Eastis	Lavender	Pitts
Edmonds	Lawson	Pruett
Fowlkes	Lee	Quinn
Greene	Letson	Ramsey
Griffith	Lloyd	Rice

Richeson	Strickland	Thomas
Rylance	Sturdivant	Wilhite
Smith	Sullivan	Wright

—57

Nays:

Mr. Stollenwerck.

—1

And the bill:

H. 285. To provide for the building, repairing, and equipping rural school houses in this State by revising sections 1975, 1976, 1977, 1981 and 1992 of the code of Alabama of 1907.

As amended was read a third time at length and passed.

Yeas, 57; nays, 0.

Yeas:

Messrs:—

Speaker	Hollis (Choctaw)	Overton
Acker	Hood	Page
Arnold	Horton	Pegram
Barnard	Huddleston	Pitts
Brewer	James	Popwell
Brindley	Jenkins (Baldwin)	Pruett
Brown (Pike)	Johnson (Marshall)	Quin
Brown (Tuscaloosa)	Jones	Rice
Burton	Judge	Richeson
Capps	Knight	Rylance
Chamberlain	Lavender	Smith
Darden	Letson	Strickland
Dennis	Lloyd	Sturdivant
Eastis	Lumpkin	Sullivan
Edmonds	Martin (Calhoun)	Waddell
Fletcher	Martin (Jackson)	Walden
Greene	Milner	Wheless
Griffith	McDonald	Wilhite
Helms	McGowen	Wright

—57

H. 649. To amend section 1734 of the code of Alabama, 1907.

Was taken up.

The question was upon the adoption of the substitute reported by the standing committee on Education, said substitute being as follows:

A bill to be entitled an act to amend section 1734 of the code of Alabama, 1907.

Be it enacted by the Legislature of Alabama, That section 1734 of the code of Alabama, 1907, be amended so as to read as follows:

1734 (3577) (984). Branches of learning examined upon.—Applicants for third grade certificates shall be examined in the following branches: orthography, reading, penmanship, grammar, practical arithmetic, United States history, geography, the elementary principles of physiology and hygiene and agriculture, and theory and practice of teaching; for the second grade certificates they shall be examined in all the foregoing branches, with additional requirements in arithmetic, history of Alabama, English grammar and literature, intermediate geography, United States history and civics and class management; for the first grade certificates they shall be examined in all the foregoing branches, and also in algebra, geometry, physics, elementary psychology, the school laws of Alabama, and advanced English; for life certificates, the history of education.

And the substitute was adopted.

Yeas, 51; nays, 3.

Yeas:

Messrs:—

Speaker	Dennis	James
Acker	Eastis	Jenkins (Baldwin)
Arnold	Edmonds	Jenkins (Bullock)
Barnard	Fowlkes	Johnson (Clarke)
Brindley	Greene	Jones
Brown (Pike)	Griffith	Judge
Burton	Hollis (Choctaw)	Knight
Bush	Hood	Lawson
Capps	Horton	Lee
Chamberlain	Huddleston	Letson
Darden	Jackson	Lloyd

Lumpkin	Pharr	Stollenwerck
Martin (Calhoun)	Pegram	Sullivan
Merritt	Popwell	Waddell
Milner	Quinn	Walden
McDonald	Rylance	Wheless
Overton	Smith	Wright

—51

Nays:

Messrs:—

Helms	Pitts	Rice
-------	-------	------

—3

And the bill:

H. 649. To amend section 1734 of the code of Alabama, 1907.

As amended was read a third time at length and passed.

Yeas, 59; nays, 1.

Yeas:

Messrs:—

Speaker	Hood	O'Neill
Acker	Horton	Overton
Arnold	Huddleston	Page
Barnard	James	Parks
Brindley	Jenkins (Baldwin)	Pegram
Brown (Pike)	Johnson (Clarke)	Pitts
Brown (Tuscaloosa)	Jones	Popwell
Burton	Judge	Preston
Bush	Knight	Pruett
Butt	Lavender	Quin
Capps	Lawson	Ramsey
Chamberlain	Lee	Rice
Darden	Letson	Smith
Dennis	Lloyd	Strickland
Eastis	Lumpkin	Stollenwerck
Fletcher	Martin (Calhoun)	Sullivan
Fowlkes	Merritt	Waddell
Gewin	Milner	Walden
Greene	McDonald	Willhite
Griffith	McGowen	

—59

Nays:

Mr. Helms.

—1



S. 374. To amend section 1780 of the code of 1907.  
 Was read a third time at length and passed.  
 Yeas, 50; nays, 4.

**Yeas:**

Messrs:—

Speaker	Hood	Overton
<del>Acker</del>	<del>Jackson</del>	<del>Pegram</del>
Barnard	James	Pitts
Brewer	Jenkins (Bullock)	Popwell
Brindley	Johnson (Clarke)	Quinn
Brown (Pike)	Johnson (Marshall)	Ramsey
Brown (Tuscaloosa)	Jones	Rice
Bush	Judge	Richeson
Butt	Knight	Rylance
Capps	Lane	Smith
Chamberlain	Lavender	Stollenwerck
Darden	Lawson	Sturdivant
Dennis	Letson	Sullivan
Edmonds	Lumpkin	Waddell
Fletcher	Milner	Walden
Greene	McDonald	Wheless
Hollis (Choctaw)	McGowen	

—50

**Nays:**

Messrs:—

Butler	Jenkins (Baldwin)	Pruett
Griffith		

—4

H. 720. For the relief of Glidewell Brothers, to reimburse them for material furnished and labor performed for the completion of the eighth district agricultural school building located at Athens, Limestone county, Alabama, on account of the deficiency in the appropriation of the Legislature of Alabama for the erection of said building.

Was read a third time at length and passed.  
 Yeas, 51; nays, 3.

## Yeas:

Messrs:—

Speaker	Jenkins (Baldwin)	Overton
Acker	Johnson (Clarke)	Page
Arnold	Johnson (Marshall)	Parks
Barnard	Jones	Pharr
Brown (Pike)	Judge	Pegram
Burton	Knight	Plitts
Bush	Lane	Popwell
Capps	Lavender	Quinn
Chamberlain	Lawson	Rice
Darden	Letson	Rylance
Eastis	Lloyd	Smith
Fletcher	Lumpkin	Strickland
Greene	Martin (Calhoun)	Stollenwerck
Hollis (Choctaw)	Martin (Jackson)	Sturdivant
Horton	Milner	Waddell
Jackson	McDonald	Walden
James	McGowen	Wright

—51

## Nays:

Messrs:—

Brewer	Helms	Wilhite
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—3

H. 18. To amend an act to amend sections 546 and 547 of the code of 1907, approved August 26th, 1909.

Was read a third time at length and passed.

Yeas, 51; nays, 8.

## Yeas:

Messrs:—

Speaker	Fletcher	Johnson (Marshall)
Acker	Greene	Jones
Arnold	Griffith	Judge
Brewer	Hollis (Choctaw)	Knight
Brown (Pike)	Huddleston	Lane
Bush	Jackson	Lavender
Chamberlain	James	Lawson
Darden	Jenkins (Bullock)	Letson
Dennis	Johnson (Clarke)	Lloyd

Lumpkin	Pitts	Smith
Martin (Calhoun)	Popwell	Strickland
McDonald	Pruett	Stollenwerck
McGowen	Quin	Sullivan
Overton	Ramsey	Waddell
Parks	Rice	Walker
Pharr	Richeson	Wheless
Pegram	Rylance	White

—51

Nays:

Messrs:—

Brindley	Hood	Milner
Burton	Lee	Walden
Helms	Merritt	

—8

H. 570. To fix a penalty for violation by tax collectors of section 2078 of the code of Alabama, 1907.

Was read a third time at length and passed.

Yeas, 56; nays, 0.

Yeas:

Messrs:—

Speaker	Huddleston	Pharr
Acker	Jackson	Pegram
Arnold	James	Pitts
Barnard	Jenkins (Baldwin)	Pruett
Brewer	Johnson (Clarke)	Quinn
Brindley	Johnson (Marshall)	Rice
Brown (Pike)	Jones	Richeson
Brown (Tuscaloosa)	Judge	Roberson
Burton	Knight	Rylance
Bush	Lavender	Smith
Butt	Letson	Strickland
Capps	Lloyd	Stollenwerck
Chamberlain	Lumpkin	Sturdivant
Darden	Martin (Calhoun)	Thomas
Fletcher	Martin (Jackson)	Waddell
Greene	Merritt	Walden
Griffith	McDonald	Wheless
Helms	McGowen	Wright
Horton	Overton	

—56

S. 400. To provide for the disposition of the property of educational corporations whose stockholders are unknown or where the amount or number of shares are unknown.

Was read a third time at length and passed.

Yeas, 56; nays, 0.

Yeas:

Messrs:—

Speaker	Jackson	Page
Acker	James	Parks
Arnold	Jenkins (Baldwin)	Pharr
Barnard	Johnson (Clarke)	Pegram
Brindley	Johnson (Marshall)	Pitts
Burton	Judge	Pruett
Bush	Knight	Quinn
Butt	Lane	Rice
Capps	Lavender	Roberson
Chamberlain	Lawson	Rylance
Darden	Letson	Smith
Eastis	Lloyd	Stollenwerck
Fletcher	Lumpkin	Sturdivant
Greene	Martin (Calhoun)	Waddell
Griffith	Martin (Jackson)	Walden
Helms	Merritt	Wheeless
Hollis (Choctaw)	McDonald	Wilhite
Hood	McGowen	Wright
Horton	Overton	

—56

H. 476. To amend section 2103 of the code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 55; nays, 1.

Yeas:

Messrs:—

Speaker	Brown (Tuscaloosa)	Darden
Acker	Burton	Dennis
Arnold	Bush	Fletcher
Barnard	Capps	Greene
Brindley	Chamberlain	Hollis (Choctaw)

Hood	Lawson	Pegram
Horton	Lee	Pruett
Jackson	Letson	Quin
James	Lloyd	Rice
Jenkins (Baldwin)	Lumpkin	Richeson
Jenkins (Bullock)	Martin (Calhoun)	Rylance
Johnson (Clarke)	Martin (Jackson)	Smith
Johnson (Marshall)	Merritt	Strickland
Jones	McDonald	Stollenwerck
Judge	McGowen	Sturdivant
Knight	Overton	Waddell
Lane	Parks	Walden
Lavender	Pharr	Wilhite
Lawler		

—55

Nays:

Mr. Pitts.

—1

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following Senate bill:

S. 193. Requiring milch cows affected with tuberculosis where the milk from such animals is furnished to the people of cities and towns to be slaughtered at a public abbatoir; and to provide punishment for the sale of milch cows without first having had said cows examined for tuberculosis; and to provide punishment for the sale of milch cows knowing the same to be affected with tuberculosis.

And orders same sent forthwith to the House without engrossment.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

The Senate bill the title to which is set out in the above and foregoing Senate message was read one time

and referred to an appropriate standing committee as follows:

Revision of Laws, S. 193.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following Senate bill:

S. 359. To appropriate ten thousand dollars to be used by the oyster commission of Alabama, as provided for by law, in fostering, protecting, improving, developing and regulating the oyster industry of Alabama. In conserving the oyster resources of the State and in making the barren oyster bottom productive.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message, was read one time and referred to an appropriate standing committee as follows:

Appropriations, S. 359.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following Senate bill:

S. 292. To authorize and empower courts of county commissioners or Boards of Revenue in the several counties in this State to pay out of the general fund of their respective counties, court costs and expenses of litigation, including reasonable attorney's fees, incurred by the members thereof in matters arising out of their official acts, or refusal to act, and to reimburse themselves or other public officers for like costs or expenses.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message, was read one time and referred to an appropriate standing committee as follows:

County and County Boudaries, S. 292.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following Senate bill:

S. 473. To authorize the commissioner of agriculture and industries to deliver to the Read Phosphate Company, of Nashville, Tenn., fifteen thousand five hundred (15,500) fertilizer tags to replace the same number that have been burned.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message, was read one time and referred to an appropriate standing committee as follows:

Agriculture, S. 473.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following Senate bill, and ordered same sent forthwith to the House without engrossment:

S. 76. To amend section 7162 of the code of Alabama.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message, was read one time and referred to an appropriate standing committee as follows:

Revision of Laws, S. 76.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 93. To amend sections 5253, 5254, 5255, 5258 and 5262 of the code of Alabama of 1907, and to repeal sections 5257, 5260 and 5261 of the code of Alabama of 1907.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message, was read one time and referred to an appropriate standing committee as follows:

Revision of Laws, S. 93.

ADJOURNMENT.

On motion of Mr. Waddell, the House adjourned until 10 o'clock A. M., Friday the 7th day of April, 1911.



## FORTY-EIGHTH DAY.

House of Representatives.  
Friday, April 7th, 1911.

The House met pursuant to adjournment.

## PRAYER

The session was opened with prayer by the Rev. Mr. Avery of the House.

## ROLL CALL.

On a call of the Roll of the House, the following members answered to their names:

Messrs:—

Speaker	Edmonds	Judge
Acker	Flanagan	Kilburn
Arnold	Fletcher	Knight
Avery	Fowlkes	Lane
Barnard	Fuquay	Lavender
Bell (Autauga)	Gewin	Lawler
Bell (Pickens)	Greene	Lawson
Brewer	Griffith	Letson
Brindley	Helms	Lloyd
Boswell	Hollis (Choctaw)	Lumpkin
Brown (Pike)	Hollis (Walker)	Martin (Calhoun)
Brown (Tuscaloosa)	Hood	Martin (Jackson)
Burton	Horton	Mastin
Bush	Huddleston	Mathews
Butt	Jackson	Merrill
Capps	James	Merritt
Chamberlain	Jenkins (Baldwin)	Milner
Cranford	Jenkins (Bullock)	Molton
Darden	Johnson (Clarke)	Mulkey
Dennis	Johnson (Elmore)	McDonald
Doswell	Johnson (Marshall)	McGowen
Eastis	Jones	McLendon

Nicholson	Ramsey	Thomas
O'Neill	Rice	Twombly
Overton	Richeson	Waddell
Page	Roberson	Waits
Pharr	Rylance	Walden
Pegram	Sanders	Walker
Pittman	Smith	Whatley
Pltts	Strickland	Wheeless
Popwell	Stollenwerck	Wilhite
Preston	Sturdivant	Williams
Pruett	Sullivan	Wright
Quinn		

—100

A quorum was present.

## JOURNAL.

The chairman of the standing committee on the revision of the Journal, made the following report:

Mr. Speaker:

Your committee on the revision of the Journal, beg leave to report as follows:

We have examined the Journal for the 47th day, and find the same to be correct.

J. B. Rylance,  
Chairman.

The report of the committee was concurred in, and the Journal for the 47th day was approved.

## LEAVE OF ABSENCE.

Were granted to Messrs. Lee and Carroll for today.

## REPORT OF RULES COMMITTEE.

Mr. Almon (Mr. Sullivan presiding), chairman of the Rules committee made a favorable report, upon the following resolutions:

From Committee on Rules:

H. R.----- Resolved by the House that the following bills be made paramount continuing special orders

for today, immediately after the special orders already on the calendar.

H. 670, H. 357, H. 807, H. 728, H. 725, H. 217, H. 512, H. 774, S. 190, S. 64, S. 75, S. 39, S. 340, S. 421, S. 436, S. 437, S. 268, S. 401, S. 197, S. 176, S. 348, S. 328, S. 112, S. 206, S. 222, . 208, S. 342, S. 131.

And the resolution was adopted.

~~H. R. 1111~~ Be it resolved by the House, that the clerk of the House and the assistant clerk of the House, and five assistants to be named by the clerk, be allowed 30 days to finish the work now on hand, and that they be allowed the same per diem as they now receive, to be paid in the same manner.

And the resolution was adopted.

By Mr. Pitts:

H. R. --- Whereas, by the treaty of 1832, between the United States of America and Russia, all citizens of whatsoever creed or denomination are given equal rights of entry into Russia, yet, despite such agreement, an American Jew is persistently denied admittance to the domain of the Czar. We feel that the rights of American citizens are thus infringed. By the action of Russia, it is not the Jew that has been discriminated against but an American, since the Jews of other countries are not denied admittance. In this land of ours, we recognize no distinction of classes.

Therefore, be it resolved, That we, the Legislature of the State of Alabama, importune the United States government to break off such treaty until the Russian government will consent to abide by every element contained in the treaty between the two countries.

And the resolution was adopted.

Mr. Brown of Tuscaloosa called up his motion to take the bill, S. 460, from the adverse calendar. The motion prevailed, and the bill,

S. 460. To establish a reformatory and industrial school for negro juvenile delinquents, to provide for its name, maintenance and government; to prescribe what delinquent children shall be admitted thereto; and further to provide what delinquent children shall

be sent to and kept therein; to regulate their detention and discharge.

Was taken from the adverse calendar and placed upon the regular calendar of the House.

Mr. Pitts of Dallas, offers the following resolution:

Whereas, the House has heard with great joy of the rapid recovery of the Hon. Walker Percy to his usual good health, and,

Whereas, he is much loved by the members of this House, and,

Whereas, it is a great joy to the House to hear this,

Therefore, be it resolved that the House congratulate the people of the State of Alabama and of Jefferson county, and the House itself on this good news.

Second. That the clerk of the House be instructed to send by telegram the greetings and well wishes of the House to Mr. Percy and his family.

The rules of the House were suspended and the resolution was put on its immediate passage, and the motion carried.

#### BILLS ON SECOND READING.

Mr. Mulkey, chairman of the standing committee on Revision of Laws, reported that said committee in session had acted on the following bills and ordered same returned to the House with a favorable report:

S. 337. To amend section 3021 of the code of Alabama of 1907.

S. 364. To amend section 682 of the political code of Alabama of 1907.

S. 193. Requiring milch cows affected with tuberculosis where the milk from such animals is furnished to the people of cities and towns to be slaughtered at a public abattoir; and to provide punishment for the sale of milch cows without first having had said cows examined for tuberculosis; and to provide punishment for the sale of milch cows knowing the same to be affected with tuberculosis.

S. 93. To amend sections 5253, 5254, 5255, 5258 and 5262 of the code of Alabama of 1907, and to repeal sections 5257, 5260 and 5261 of the code of Alabama of 1907.

S. 361. To provide and create a Board of Election Commissioners for the government and holding of municipal elections and to establish same in all cities of ~~Alabama~~ **Alabama** which now have, or may hereafter have, a population of as much as one hundred thousand people according to the last Federal census, or any such census which may hereafter be taken; to regulate the selection and election of such commissioners and their terms of office, to fix their powers, duties and compensation; to annul any law or any part of a law that conflicts with the duties of the commissioners of this board, and otherwise to provide for the creation and maintenance of said election commission board.

S. 76. To amend section 7162 of the code of Alabama.

H. 823. To legalize and make effective the registration of deeds of conveyance which have been filed and recorded in the office of judge of probate of the proper county of this State before or within twelve months after the passage of this act, but not within the time required by law, or recorded without proper acknowledgment or probate.

S. 473. To authorize the commissioner of agriculture and industries to deliver to the Read Phosphate Company of Nashville, Tenn., Fifteen thousand five hundred (15,500) fertilizer tags to replace the same number that have been burned.

S. 472. To amend section 2169 of the code of Alabama.

S. 333. To amend sections 2340, 2341, 2343 and 2344 of the code of Alabama.

S. 309. Authorizing grantees in conveyances of real property which correctly describe the real property intended to be conveyed to maintain in the chancery courts of this State, or in courts of this State having like jurisdiction, bills for the correction of conveyances which were intended to convey said lands, where a mis-

take was made in the description of the land, when the party filing said bill has title, by a direct conveyance or by mesne conveyances, from the grantee in the conveyance sought to be corrected.

S. 310. To amend section 3830 of the code of Alabama.

S. 419. To regulate adverse possession of mineral interests in lands and operation of the statute of limitations applicable thereto.

S. 363. To amend section 679 of the political code of Alabama of 1907.

S. 484. To establish in the county of Pickens a court of record of limited jurisdiction to be known and styled as the inferior court of Pickens county and to define the jurisdiction and powers of said court and the judge thereof.

S. 427. To amend section 3495 of the code of Alabama.

S. 425. To provide for the payment of funds due residents and subjects of foreign countries derived from the settlement of estates or from the sale of lands for division.

Mr. Whatley, chairman of the standing committee on Agriculture, reported that said committee in session has acted on the following bills and ordered same returned to the House with a favorable report:

S. 445. To aid the work of tick eradication and the suppression and control of glanders, hog cholera and other infectious and contagious diseases in Alabama.

Mr. Thomas, chairman of the standing committee on Appropriations, reported that said committee in session has acted on the following bills and ordered same returned to the House with a favorable report:

S. 387. For the relief of W. S. Grant, sheriff of Marengo county, and expenses incurred in the removal of Charles Autrey from the State of Mississippi to Linden, Alabama.

S. 383. To amend an act entitled an act to establish a reformatory and industrial school under the name and style of the Alabama Boys' Industrial school, for

the benefit of orphans, helpless and wayward children; to provide for its government; to prescribe what children shall be admitted thereto; and further to provide that certain children shall be sent to, and kept therein, and to provide mode of ascertaining whether any given child shall be committed thereto. Approved February 23rd, 1899.

S. 359. To appropriate fifteen thousand dollars (\$15,000.00) to be used by the oyster commission of Alabama, as provided for by law, in fostering, protecting, improving, developing and regulating the oyster industry of Alabama. In conserving the oyster resources of the State and in making the barren oyster bottoms productive.

Mr. Mulkey, chairman of the standing committee on Revision of Laws, reported that said committee in session has acted on the following bill and ordered same returned to the House with a favorable report:

S. 423. To amend section eight hundred and four (804) of the code of Alabama of 1907.

#### BILLS ON THIRD READING.

H. 431. To regulate the mining of coal in Alabama.

Was taken up. Mr. O'Neill offered the following substitute for the bill:

A. bill to be entitled an act to amend sections 999, 1000 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037 and 1038 of the code of 1907 (relates to mines and mining).

Be it enacted by the Legislature of Alabama, That chapter 30 of the code of Alabama of 1907 be amended so as to read as follows:

Section 1. A board of mine inspectors in this State is hereby created, to be known and designated as the "Board of Mine Inspectors," said board to be composed of a chief mine inspector and five associate inspectors, whose terms of office shall be three years from the date of their respective appointments. That the present

chief mine inspector shall be the chief inspector of said board, and the present associate mine inspectors shall be members thereof, and shall continue in office until May 1, 1911, at which time their respective terms of office shall expire and then be immediately filled by appointment by the governor. That the additional member herein provided for shall be appointed by the governor of this State immediately on the passage of this act, who, together with the chief mine inspector and associate mine inspectors above mentioned, shall constitute the said board of mine inspectors until May 1st, 1911. That the governor of this State shall by appointment fill all vacancies occurring in said board. That the salaries of mine inspectors shall be as follows:

The chief inspector shall receive the sum of \$2,400.00 dollars per annum, and each associate inspector shall receive \$1,800.00 dollars per annum, the same to be paid monthly.

Sec. 2. That the traveling and other actual expenses of said board, incurred while in the discharge of their official duties, shall be paid out of the State treasury, the same to be approved by the chief mine inspector and the governor of the State. That a sufficient amount of money to pay said salaries and expenses is hereby appropriated out of any money in the State treasury.

Sec. 3. *Qualification of Members of the Board of Mine Inspectors.*—That the members of said board shall be practical miners of at least five years' experience in coal mining in *this State*. No person shall be appointed on said board who, or the wife of whom, owns any interest in or operates in whole or in part any mine in this State.

Sec. 4. *Duties of the Members of the Board of Mine Inspectors.*—The members of the board of mine inspectors shall give their whole time and attention to the duties of their office. It shall be the duty of said board to have one of the members of said board to examine each coal mine in operation in this State, at least every three months, to see that all the requirements of this chapter and other laws applicable to coal mines are strictly observed. They shall particularly examine the



workings and machinery used in the operation of such mines, examine the mines as to ventilation, circulation and condition of air, drainage and general security to life and health. They shall make a record of all examinations of mines, showing the date when made, the condition in which each mine was found, the extent to which laws regulating mines and mining are observed or violated, the progress made in improvements looking to the security of the mines, as to protection of life and health, ascertaining the number of accidents, injuries received, or deaths caused, in or about such mines, the number working in each mine, together with those employed in the operation thereof, as well as all other facts and information concerning the condition of the mine, development and progress of mining in this State, as may be thought useful and proper and as may be of public interest.

Sec. 5. It shall be the duty of the members of said board, on the examination of any mine, to make a written or printed report in triplicate of the condition in which he finds such mine. The report shall give the name of the inspector, the date of the visit, the number of cubic feet of air in circulation and where measured, and said inspector shall certify in said report that he has measured the air in a cross-cut of one or more rooms in each heading or entry, and shall give the number of cubic feet of air passing through such cross-cut per minute, and such other information as he may deem necessary or useful. One copy of said report shall be filed in the office of said board, and be subject to examination by any person interested; one to the operator of said mine, and one copy shall be conspicuously posted at weigh-house for the benefit of the miners, which shall be kept posted at said weigh-house until another such report is made and posted on a subsequent examination. That any person removing, destroying or defacing any such report shall be guilty of a misdemeanor.

Sec. 6. That said board shall formulate rules and regulations for the operation of coal mines in this State, see that all coal mines are properly constructed,

operated and ventilated and that proper precautions are taken and observed by mine operators to prevent danger to the employees from gas, dust or other dangerous substances or conditions in their respective mines, and to require that the proper explosives be used in the operation of such mines.

Sec. 7. That said board shall have supervision over the operation of all coal mines operated in this State, and power is hereby conferred to enable it to exercise such provision and to enforce all orders, directions or instructions issued or given by it or its members.

Sec. 7 1-2. The chief mine inspector, with the concurrence of two of the associate mine inspectors, shall have power and authority to immediately stop the operation of any coal mine or any part thereof in which there is sufficient gas or dust, in the opinion of said chief mine inspector and said associate inspectors, to cause an explosion and endanger the lives of the persons working therein, but work shall not be stopped in any mine except there is immediate danger of an explosion until the operator or person in charge of said mine shall have had reasonable time in which to remove the danger of such explosion.

Sec. 8. That said board shall give instructions, formulate rules and regulations for the working of gaseous mines or mines producing dust, the manner of working and propping the roof of any and all mines; shall examine all machinery and appliances used in working mines; and see that their orders in this behalf are observed.

Sec. 9. It shall be the duty of said board when informed of insufficient ventilation in any mine, or the presence of gas or dust therein, in quantities sufficient to endanger the miners working therein, to have a member of said board, within five days after receiving such information, to make personal inspection of any such mine, and shall instruct the operator, superintendent or other person in charge of said mine to adopt such measures as will properly ventilate said mine and guard against the accumulation of dust or gas.

Sec. 10. It shall be the duty of said board to have one of its members to promptly investigate all accidents in coal mines resulting in serious injury, or death, of any person employed or working in or about the same.

Sec. 11. It shall be the duty of said board to procure, at the expense of the State, a full and complete set of standard balances and other means of adjustment such as are necessary in the comparison and adjustment of scales, beams and other necessary apparatus to be used for correct, just and proper weighing of coal and other materials according to the State standard of weights, and it shall be the duty of said board to examine, test and adjust, as often as the occasion demands, all scales and apparatus used in weighing coal at mines.

Sec. 12. It shall be the duty of said board to procure, at the expense of the State, all necessary and proper instruments as may be necessary and proper for testing or measuring air in such mines.

Sec. 13. It shall be the duty of the chief mine inspector, with the approval of said board, to make annual written reports to the governor of this State, during the month of February of each and every year, stating the conditions of the coal mining interests in this State, with such suggestions and information as may be of interest to the mining industry, and said reports may be by the governor published in one or more newspapers of the State. And said board, through said chief mine inspector, shall make reports to the governor of the State at any time, on his request, and shall give such information as may be requested by him.

Sec. 14. It shall be the duty of said board, whenever notified of any fatal accident or accident causing serious personal injury to any person employed in any coal mine in this State, or of any gas or dust explosion therein, to require a member of said board to immediately repair to the scene of the accident or explosion and investigate the cause of such accident or explosion and make such orders and suggestions as are necessary or proper to secure the safety of persons working therein. Said board shall keep on file at its office a list of all

fatal accidents resulting in serious bodily injury to any person working in or about such mines.

Sec. 15 That said board and each member thereof are hereby authorized and empowered to enter into any and all parts of any coal mine in this State at all times for the purpose of making any investigations required of them by law or in the discharge of any of their duties, and are further empowered to cause any and all persons to appear before it or any member thereof to testify under oath concerning any matter about which inquiry may be made.

Sec. 16. That each member of said board is hereby authorized and empowered to issue subpoenas requiring the attendance of witnesses before said board or before such member thereof, to testify under oath in any proceeding before such board or such member, and require witnesses to answer all proper questions propounded to them by said board or such member. That it is hereby made the duty of the sheriff or any constable in the county in which such witness may reside or be found, to execute subpoenas issued as above provided, and that they shall each receive for their services in executing such subpoenas the same fees as are allowed them respectively for executing subpoenas in other cases. Any witness summoned as above mentioned shall be entitled to the same mileage and per diem as is now allowed by law to such witnesses attending trials in the circuit courts. If any witness subpoenaed as above mentioned shall fail to attend without good excuse, in accordance with the subpoena served on him, or shall fail to attend without good excuse, in accordance with the subpoena served on him, or shall fail to testify when attending, it is hereby made the duty of said board or the member before whom said proceeding is being had, to certify to the failure of any witness to attend and testify, to a judge of any court of record in the county where such proceeding is being held. It is hereby made the duty of the judge to whom such certificate is made, to cause such witness to appear before him at a time fixed by said judge, to show cause why he should not be punished for contempt, and to fine or imprison such

witness as such judge may deem proper in case he is found guilty of contempt in the premises. That the expense of executing subpoenas and the attendance of witnesses, as well as said contempt proceedings, shall be paid out of any funds in the treasury of the State on the certificate of the chief mine inspector, approved by the governor of the State.

Sec. 17. That the governor of this State may require the chief mine inspector to execute bond payable to the State of Alabama in such sum as the governor may determine, with condition that he will faithfully discharge the duties of his office and will account for, properly disburse and pay over all funds coming into his hands as license fees collected from applicants for certificates from the board of examiners or otherwise. It shall be the duty of said mine inspector to report annually to the governor the amount of money received by him from such applicants or otherwise and show the disbursement thereof, and at the expiration of his term of office, pay over any moneys in his hands as such to his successor in office.

Sec. 18. It shall be the duty of said board of mine inspectors to keep and maintain an office in the city of Birmingham, Alabama, the rent of which shall be paid by the State, not to exceed thirty dollars per month, at which the clerk of said board or some member of said board shall be in attendance at all reasonable hours during the day, and give all necessary and proper information to any person interested, their books and records shall be kept at said office and shall be open to persons interested at all seasonable hours

Sec. 19. Each member of said board is hereby authorized and empowered to administer oaths as fully as any officer in the State is authorized to administer the same.

Sec. 20. That any member of said board may be removed by the governor of this State for incompetency or unfitness to discharge his duties, or for any failure or neglect to discharge any of the duties imposed upon him by law.

Sec. 21. *Examiners of Applicants for Positions in Coal Mines.*—That the governor is hereby authorized and empowered to appoint a board of examiners to examine mine superintendents and other mine officials and employees in coal mines in this State. Said board of examiners shall be composed of the chief mine inspector, who shall be chairman of said board, together with two practical coal miners, two operators of coal mines, one mechanical engineer, and one practical hoisting engineer. The members of said board of examiners other than the chief mine inspector shall be selected by the governor. That a majority of said board of examiners shall constitute a quorum for the transaction of business. That said board of examiners, as now constituted, shall exist until the first day of May, 1911, at which time the members constituting a new board shall be appointed. The members so appointed shall hold their offices for two years from the date of their appointment. That all vacancies on said board shall be filled by the governor.

Sec. 22. That said board of mine inspectors is hereby authorized and empowered to employ a clerk of said board who shall be subject to its orders and directions and subject to removal at the pleasure of said board, who shall receive for his services a sum not exceeding one hundred dollars per month, whose duty it shall be to devote his or her entire time to the duties of the office, and shall remain at the office of the said board except when otherwise ordered by said board, and shall, on the order of said board or any member thereof, accompany any member when visiting any mine in the discharge of his duty, and it shall also be the duty of said clerk, when directed by said board, or any member thereof, to take down and typewrite the testimony adduced by said board or any member thereof, to discharge any and all other duties imposed by said board, and to keep in order and reserve the records of said board. That the actual expenses of said clerk while traveling in the discharge of any of the duties required by said board shall be paid by the State upon the certificate of the chief mine inspector, upon the approval of the governor of this State.

Sec. 23. That said board is hereby authorized and empowered to purchase all necessary and proper furniture for the fitting up of the office of said board, including a typewriter, when necessary, not to exceed the cost of three hundred dollars, the same to be paid out of the treasury of this State upon the certificate of the chief mine inspector, with the approval of the governor.

Sec. 24. It shall be the duty of said board of examiners to examine and give certificates of fitness or competency to all persons acting, or proposing to act, as superintendents, assistant superintendents of, and mine foremen, assistant mine foremen, fire-bosses and shot-firers in coal mines in this State. That said board shall meet every six months at the office of the board of mine inspectors and shall continue in session for six days, if necessary, for the purpose of making the examinations aforesaid, and each member of said board, except the chief mine inspector, shall receive for his services the sum of five dollars per day while sitting as a member of said board, making the examinations aforesaid.

Sec. 25. *Qualifications for Applicants for Certificates.*—Applicants for first and second-class certificates to fill any of the positions above mentioned shall be at least twenty-three years of age and shall have had at least five years' practical experience, after attaining the age of fifteen years, as coal miners or superintendents at or inside of coal mines in this State, and shall be citizens of this State, and shall possess the qualifications necessary to enable them to discharge the duties of the positions which they propose to fill, and shall be men of good moral character, of known temperate habits. The said board of examiners shall be entitled to grant certificates of competency of two grades, namely: Certificates of the first class and certificates of the second class; certificates of the first class to those who have had five years' actual experience working in or exercising superintendence over coal mines generating gases or producing or containing dust in quantities sufficient to endanger employees therein, who shall also possess the other necessary qualifications of mine su-

perintendents, assistant mine superintendents, mine foremen, assistant mine foremen, fire-bosses and shot-firers in such mines; certificates of the second class to be issued to persons who give satisfactory evidence of their ability to act in the capacity for which they apply for certificates, in mines not generating gases or producing or containing coal dust as aforesaid.

Sec. 26. Said board of examiners shall also pass upon the competency of and grant certificates to all hoisting engineers in charge of the hoisting at coal mines, such certificates to be issued when such hoisting engineers produce evidence satisfactory to said board that they are citizens of the United States and of the State of Alabama, over twenty-three years of age; that they have had at least two years' experience as firemen or engineers of hoisting plants at coal mines, and are of good repute and temperate habits. They must be prepared to submit to and satisfactorily pass an examination as to their experience in handling hoisting machinery and as to their practical and technical knowledge of the construction, cleaning and care of steam boilers, the care and adjustment of hoisting engines, the management and efficiency of pumps, ropes and winding apparatus, and their knowledge of the laws and customs of this State in relation to signals used in hoisting and lowering men or materials in mines.

Sec. 27. All applicants for certificates before said board of examiners, who pass satisfactory examinations, shall, before obtaining their certificates, pay the chief mine inspector the following fees: Superintendents of mines, the sum of \$5.00; assistant superintendents, \$5.00; mine foremen, assistant mine foremen and fire-bosses, obtaining first class certificates, \$3.00 each; hoisting engineer, mine foremen, assistant mine foremen and fire-bosses, obtaining second class certificates, and shot-firers, \$3.00 each. That the amount so paid shall constitute a fund out of which the per diem of members of the board of examiners shall be paid, and out of which any other legitimate expenses of said board shall be paid.



Sec. 28. No person shall act as superintendent, assistant superintendent over, or as mine foreman, assistant mine foreman, fire-boss or shot-firer in any coal mine in this State generating gases or producing or containing dust in quantities as aforesaid, unless he has obtained a first class certificate of competency from said board of examiners, and no person shall act as superintendent, assistant superintendent over, or as mine foreman, assistant mine foreman, fire-boss or shot-firer, in any coal mine in this State, without obtaining a first or second class certificate of competency as herein provided. No person shall act as hoisting engineer at any coal mine in this State without obtaining a certificate as herein provided.

Sec. 29. Any person who acts as superintendent, assistant superintendent over, or as mine foreman, assistant mine foreman, fire-boss, hoisting engineer or shot-firer, at or in any coal mine in this State, without obtaining the certificate herein required, shall be guilty of a misdemeanor, and on conviction shall be fined not less than \$50.00 nor more than \$500.00.

Sec. 30. Any person having authority to employ any superintendent, assistant superintendent over, or mine foreman, assistant mine foreman, fire-boss or shot-firer, in any coal mine in this State generating gas or producing or containing dust in quantities as above mentioned; or the person operating such coal mine who employs at any coal mine as superintendent or assistant superintendent over same, or mine foreman, assistant mine foreman, fire-boss or shot-firer, in any such mine, who has not obtained a first class certificate from the board of examiners as herein provided; or who shall employ, at any coal mine in this State, any of the above named officers or employees who have not obtained from the board of examiners a first or second class certificate as herein required; or who shall employ in or at any coal mine in this State as hoisting engineer any person who has not obtained a certificate as hoisting engineer, as herein provided, from said board of examiners, shall be guilty of a misdemeanor and on conviction shall be fined in a sum not less than \$100.00 or

more than \$500.00, and may also be imprisoned, at the discretion of the court or jury trying the same, at hard labor, for the county, for a term not exceeding twelve months.

Sec. 31. Any person who obtains from said board of examiners a first class certificate shall be entitled to act in the position for which such certificate of competency is issued, in any coal mine in this State.

Sec. 32. Persons holding certificates of competency heretofore issued by the board of examiners in this State shall be authorized and entitled to discharge the duties of the position for which said certificates were issued, without obtaining a certificate from the board of examiners herein created.

Sec. 33. That a majority of said board of examiners shall be authorized and empowered to issue any of the certificates of competency above mentioned.

Sec. 34. *Cancellation of Certificates.*—That said board of examiners may cancel any certificate heretofore or hereafter issued to any superintendent, assistant superintendent, mine foreman, assistant mine foreman, fire boss, shot-firer or hoisting engineer whenever the person holding the same, for any reason, becomes an unfit person to hold such certificate.

Sec. 35. *Construction of Mines, Main Shaft, Slope or Drift.*—Sinking subject to inspection. Any shaft, slope or drift in process of sinking or opening for the mining of coal in this State shall be subject to the inspection and supervision of a member of said board of mine inspectors

Sec. 36. *Passage-way, etc.*—At the bottom of every shaft and at every caging place therein, a safe and commodious passage-way must be cut around said landing-place to serve as a traveling-way by which men on animals may pass from one side of the shaft to the other without passing under or on the cage.

Sec. 37. *Gates.*—The upper and lower landing at the top of each shaft, and the opening of every intermediate seam from or to the shaft shall be kept clear and free from loose materials, and shall be securely fenced with automatic gates so as to prevent men or materials from falling into the shaft.

Sec. 38. *General Equipment.*—Every hoisting shaft must be equipped with substantial cages fitted to guide rails running from the top to the bottom. Said cages must be safely constructed. They must be equipped with substantial and proper safety catches. Every cage on which persons are carried must be fitted with iron bars or rings in proper places, and sufficient number to furnish a secure hand-hold for every person permitted to ride thereon. At the top landing cage supports, where necessary, must be carefully set and adjusted so as to act automatically and securely hold the cage when at rest. An adequate and automatic brake shall be attached to every brake, drum, machine or other device used for the purpose of lowering and hoisting persons into or out of mines, and also props and indicators which show to the person who works the machine or device the position of the cage or load in the shaft or on the roadway.

Sec. 39. *Passage-ways.*—An available way of egress and ingress to the surface from every coal mine and from every seam or stratum of coal worked in such mine, now in operation or hereafter put in operation in this State, whether worked by shaft, slope or drift, shall be provided and maintained in addition to the hoisting shaft or other way of delivery; or one such additional way of egress and ingress between every such mine and some other contiguous mine, such as will constitute two available ways of egress and ingress to every person employed in such mine.

Sec. 40. It shall be the duty of persons operating coal mines in this State to keep at a convenient place at or near the main entrance of the mines, a sufficient supply of props and other timbers useful for propping therein, of suitable lengths and sizes, for those working in such mines. It shall be the duty of those working in said mines who needs props or other such timbers, to select and mark the same when needed for propping by them, designating on such props or timbers the place at which the same are to be delivered or give notice to the person whose duty it is to deliver or have the same delivered, of the number and kind of props or other

timbers needed at the place at which they are to be delivered. It shall then be the duty of the operator to promptly deliver or cause to be delivered such props or other timbers at the place designated. For any failure to so deliver said props or other timbers, the person operating the mine shall be liable for all damages by reason of injury or death of any person resulting from the want of such props or other timbers, including all damages caused to the father, or, in case of his death or desertion of his family, or confinement for crime, to the mother of any minor who is injured or killed. When death is caused to any person for the want of such props or other timbers, the personal representative of the deceased may sue and recover for the benefit of the next kin of the deceased such damages as the jury may assess. It shall be no defense to an action brought under this section that the person injured or killed remained in said mine or continued at his work.

Sec. 41. It shall be the duty of persons operating coal mines in this State to have at a convenient place at or near the main entrance of all such mines, tram rails and other tram track material of suitable lengths and sizes for use in such mines by the persons working therein, and to promptly deliver the same on request of those working in such mines needing such rails or other material. It shall also be the duty of persons operating such mines to promptly deliver to the persons working in such mines a sufficient and suitable number of tram cars for use in removing coal or other material.

Sec. 42. Persons operating coal mines in this State shall be liable for injury to or death of any person working in or about such mines who is injured or killed by reason of the negligence of any person in the employment of the person operating such mines, while acting within the line of his duty, and entrusted by such person with any duty in any way connected with the hoisting or lowering of men or materials out of or into such mines. A recovery for such injury or death shall not be defeated on account of the person injured

or killed continuing at his place of work in or about such mines after knowing of such negligence. In all cases resulting in death caused by the negligence of any such person, the personal representative of the deceased may sue and recover all such damages as the jury may assess, for the benefit of the next kin of the deceased. In case any minor is injured or killed in or ~~about such mines on account of the negligence of any~~ such person, then the father of such miner, or, in case of his death or desertion of his family or confinement for crime, the mother may recover such damages as they or either of them sustain by reason of the injury or death of such minor.

Sec. 43. It shall be the duty of persons operating coal mines in this State to erect and maintain in such mines, at any point designated by a member of the board of mine inspectors, conspicuous sign-boards indicating the direction necessary to be taken to escape from such mines.

Sec. 44. *Ventilation*.—Persons operating coal mines in this State shall provide and maintain for every such mine a sufficient amount of ventilation therein, not less than 150 cubic feet of air per minute for every person working therein and 500 cubic feet per minute for each mule, horse or other animal used in said mine, measured at the foot of the downcast, and as much more as circumstances may require. It shall be forced and circulated around the main entry, cross-entries and working-places throughout the mine, so that said mine shall be free from standing gas of whatever kind, to such an extent that the entire mine shall be in a fit and proper state at all times for persons to work therein, and will render harmless all noxious or dangerous gases generated therein. Every place in coal mines where fire-damp is known or supposed to exist, shall be carefully examined with a safety lamp, by a competent fire-boss who has obtained a certificate of competency as herein provided, immediately before each shaft, and in making said examination, it shall be the duty of the fire-boss at each examination to leave at a point at least 25 feet distant from the face of every slope, drift, entry or

air-course and at the neck of every room examined by him evidence of his presence by writing with chalk in a conspicuous place the month and the day of the month in which said examination was made. It shall be unlawful for any person to knowingly enter any coal mine or part of a mine generating fire-damp until it has been examined by the fire-boss and reported by him to be safe. The ventilation required by this section may be provided by suitable appliances, but if furnaces are used for ventilating purposes, they shall be built in such manner as to prevent the communication of fire from them to any part of the works. The up-cast shall be lined with incombustible material for a sufficient distance up from said furnace to prevent the escape of communication of fire, but in no case shall a furnace be used at the bottom of the shaft for the purpose of producing a hot up-cast of air where hoisting appliances or buildings are built directly over the shaft.

Sec. 45. *Separate Currents.*—Currents of air in coal mines shall be split so as to give separate currents to at least every fifty persons at work, but any member of the board of mine inspectors shall have power to order a separate current to a smaller number of men if special conditions, in his judgment, render it necessary. Whenever any member of the board of mine inspectors shall find men working in coal mines without a sufficient current of air, or under any unsafe condition, he shall first give the person operating the mine, or his agent in charge, a notice, giving the facts and a reasonable time to rectify the same, and upon his failure to so rectify the same, he may order the men out of the mine, or any portion of the mine, and at once order the mine or any part thereof closed until such mine or part of mine shall be put in proper condition. For any violation of this section or of section 44, by any person operating or having in charge of the operation of a coal mine, or for a failure to comply within a reasonable time with the orders or requirements given or made by any member of the board of mine inspectors, with reference to supplying air or remedying defects in connection with the supply of air in mines, shall be guilty of

a misdemeanor, and, on conviction, shall be fined in a sum not less than \$500.00 nor more than \$1,000.00, or may be imprisoned, at the discretion of the court or jury trying the case, in the county jail, or confined at hard labor for the county for a term not exceeding twelve months.

**Sec. 46. Cross-cuts.**—Cross-cuts or air-ways in coal mines shall be made in each room or entry at least every forty-five feet. All cross-cuts or air-ways except those last made near the working places of the mine, shall be closed up and made air-tight, all stoppings in slopes, entries, air-ways, shafts, or drifts, shall be constructed of non-combustible material.

**Sec. 47.** Persons operating coal mines in this State producing or containing dust liable to ignite or explode or extend an explosion, shall so clean and sprinkle the shafts, slopes, drifts, entries, man-ways, air-courses, and other roadways and places provided or used for keeping live stock in such mines as to prevent the dust from igniting or exploding therein. The person operating any such mine, or the superintendent or other person in charge of any such mine, failing to comply with the provisions of this section, shall be guilty of a misdemeanor for each day's failure to comply therewith, and on conviction for each offense shall be fined not less than \$500.00 nor more than \$1,000.00, or shall be imprisoned in the county jail or confined at hard labor for the county for a term not exceeding twelve months, at the discretion of the jury trying the same.

**Sec. 48. Doors.**—Doors used in aiding or directing ventilation of coal mines, when coal or other material is being hauled through them, shall be opened and closed by persons designated and stationed at said doors for that purpose, so that drivers and other persons may not cause the doors to stand open, but nothing herein contained shall prevent the use of automatic or mechanical doors which close automatically or mechanically, but all such doors shall be subject to the approval of a member of the board of mine inspectors. The doors shall be placed at the entrance of the first working-room in every entry, for the purpose of forcing the current of air to the face of the rooms.

Sec. 49. *Safety Lamps*.—All safety lamps used for examining coal mines or for working therein, shall be furnished by the person operating the same, and shall be in the care of a mine foreman or assistant mine foreman or fire-boss, or other competent person, who shall fill, trim and examine the same and deliver the same, locked, in a safe condition, to the men when entering the mine before each shift, for which services a charge not exceeding the cost of labor and material may be made by the person operating the mine. A sufficient quantity of safety lamps, not less than one for every four men employed, shall be kept at every coal mine where gas has at any time been generated in sufficient quantities to be detected by ordinary safety lamps, for use in case of emergency. It shall be the duty of every person who knows his safety lamp to be injured or defective to promptly report such fact to the person authorized at such mine to receive and care for such lamps, and it shall be the duty of that person to promptly report such fact to the mine foreman, who shall have the injury repaired or defect remedied, or supply a new lamp.

Sec. 50. *Wash-room*.—Persons operating coal mines in this State shall provide and maintain a wash-room for the use of miners and other employees at the top or near the main entrance of each mine, which must be comfortable and kept cleanly and suitable for use as such wash-rooms, and so arranged that miners and other employees may hang their clothing for the purpose of being dried.

Sec. 51. *Stretchers, Blankets, etc.*—It shall be the duty of every person operating a coal mine in this State to keep at or near the main entrance of such mine or some other convenient place near the main entrance of such mine, to be designated by the chief or an associate mine inspector, a stretcher, properly constructed, a woolen and water-proof blanket, in good condition for use in carrying away any person who may be injured at or in the mine. A sufficient quantity of suitable bandages shall be kept at such place for use in case of injury or accidents. At mines where more than two



hundred persons are employed, two stretchers and two woolen and water-proof blankets shall be kept in the main places aforesaid. In mines generating fire-damp, a sufficient quantity of linseed or olive oil, bandages and liniments shall be kept at the places aforesaid, or in the store or commissary of such mine for use in emergencies.

Sec. 52. *Scales*.—Persons operating coal mines in this State shall provide and keep at each mine suitable scales of standard make for the weighing of coal.

Sec. 53. *Maps of Mines*.—Persons operating coal mines in this State shall make or cause to be made by a competent engineer an accurate and exact map of such mines, showing the exact position of such mines with reference to the section line, which shall be connected with some known boundary corner of the section or subdivision of the section. Said map shall show accurately the position of any branches, creeks or rivers under which said mine may extend, also as near as possible any portion of any old mine nearby and the correctness of said map shall be sworn to by the engineer making the same. The new work inside of mines must be added to said map at least every twelve months. A copy of said map shall be filed in the office of the board of inspectors, who shall provide a suitable and safe place for keeping it. The said board of mine inspectors may refuse to receive maps made by persons claiming to be mining engineers, who are not known to be such and of good standing and character in that profession. The mine foreman in charge of such mine shall certify to the correctness of said map. The map shall be made on a uniform scale of not less than two hundred feet to the inch. Any person interested may secure a copy of the map on file in the office of said board of mine inspectors by paying a reasonable charge for making the same. Such map or a copy therefrom from the board of mine inspectors, the correctness of which is certified to by the chief mine inspector, shall be evidence in any court in this State.

Sec. 54. *Oils to be Used in Coal Mines*.—Only pure animal or vegetable oil, or other oils that shall be as

free from smoke as pure animal or vegetable oil, and not the product or by-product of rosin, and which shall, on inspection, comply with the following test, shall be used for illuminating purposes in coal mines in this State: All such oils must be tested at 78 degrees Fahrenheit, the specific gravity of the oil must not exceed 24 degrees, the test must be made in a glass jar 1 5-10 in. in diameter by 7 in. in depth. If the oil be above 45 degrees and below 70 degrees Fahrenheit, it must be raised to about the temperature of 80 degrees, and after being well shaken, it shall be allowed to cool gradually, to a temperature of 70 degrees Fahrenheit before being finally tested. In testing the gravity of the oil the hydrometer used must, when possible, be read from below, and the last line which appears under the surface of the oil shall be taken as the true reading. In case the oil under test should be opaque or turbid, one-half of the capillary attraction shall be deemed and taken to be the true reading. When the oil is tested under difficult or unfavorable circumstances, an allowance of one-half degree may be made for possible error before condemning the oil for use in the mine. All oil used for illuminating purposes in coal mines in this State shall be contained in barrels or packages branded conspicuously with the name of the dealer who sold the oil, showing the specific gravity of the oil and the date of shipment. Any person who sells or offers for sale to coal miners or coal mine operators in this State oil other than such as is required by this section to be used for illuminating purposes, or any person operating or having in charge the operation of any coal mine, who permits the use in such mine of any oil for illuminating purposes other than is required by this section, or any employee in any coal mine in this State who knowingly uses oil other than such as is required by this section, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not less than \$5.00 nor more than \$100.00. It shall be the duty of the members of the board of mine inspectors to inspect the oils used in such mines, make proper tests of the same, and see that the provisions of this section are complied with.

Sec. 55. *Scales.*—Persons operating coal mines in this State, at which coal is paid for by ton or weight, must provide and keep standard scales for weighing coal taken from such mine, which scales at all times shall be subject to be inspected and tested by any member of the board of mine inspectors or committee of ~~miners appointed for that purpose by the miners work-~~ing in such mine.

Sec. 56. Owners, lessors, tenants in common, or other persons having any interest or royalty in any coal being mined at any mine in this State shall have the right to examine and test the scales used at such mine, and also the right to examine the bank books or other books or records where the weight of coal of such mine is kept or recorded.

Sec. 57. Any person operating any coal mine in this State having or using any scale or scales for the purpose of weighing the coal taken from said mine, so arranged or constructed that fraudulent or improper weighing may be done thereby, or shall knowingly resort to or employ any means whatever by reason of which such coal is not correctly weighed or reported in accordance with the provisions of this act, or any person employed to weigh coal at any such mine, who shall connive at or consent to using any such scale or scales, shall be guilty of a misdemeanor and shall, upon conviction for each such offense, be punished by a fine of not less than \$100.00 nor more than \$1,000.00, or, at the discretion of the jury trying the case, be imprisoned in the county jail for a period not exceeding twelve months, or by both such fine and imprisonment.

#### THE MANNER OF OPERATING COAL MINES.

Sec. 58. *Coal to be Weighed and Full Weight Credited to Miners.*—All coal mined in this State, paid for by the ton or weight, shall be weighed on standard scales, as herein required to be kept, and the full weight thereof be credited to the miner of such coal, and two thousand pounds shall constitute a ton. The person authorized to weigh coal or other materials at all coal

mines in this State, before entering upon his duties, shall make and subscribe an oath before some person authorized to administer oaths under the laws of this State, that he will accurately weigh and keep a true record of all coal weighed or to be weighed by him. One copy of such oath shall be filed with the board of mine inspectors. Such person is hereby required to weigh all coal weighed by him, accurately, and to keep a true and correct record of such weights. Any person employed to weigh coal as aforesaid at any such mine, who willfully fails to correctly weigh all coal weighed by him, or who wilfully fails to keep a correct and true record of coal weighed by him, shall be guilty of a misdemeanor, and on conviction shall be fined in a sum not less than \$100.00 nor more than \$1,000.00, and imprisoned, at the discretion of the jury trying the case, in the county jail or at hard labor for the county, for a term not exceeding one year.

Sec. 59. In all coal mines where the miners employed and working therein are paid by the ton or by weight they may furnish a check-weighman, who shall, at proper times, have full access to and right of examination and testing of scales, and seeing all weights and records of such weights, but no more than one person at a time shall have such right. The check-weighman employed as aforesaid shall, before entering upon his duties, make and subscribe an oath, before some person authorized to administer the same, in substance that he will faithfully discharge the duties of check-weighman. A copy of such oath shall be posted in some conspicuous place near the place of weighing, and another copy shall be filed in the office of the board of mine inspectors.

Sec. 60. *Operation of Mines.*—When gas exists in any coal mine in quantities sufficient to ignite or explode, the person operating such mine shall employ a competent fire-boss holding a first class certificate, as herein provided, whose duty it shall be to examine every place in the mine before the men are permitted to enter for work. Said fire-boss shall be at some convenient place each day to inform every man when going to

his working-place, as to the state and condition of his working-place with reference to gas. That such mine shall be carefully examined every morning with a safety lamp by the fire-boss before any person is allowed to enter therein.

**Sec. 61.** When any place in a coal mine in this State is likely to obtain a dangerous accumulation of gases or water, the works, when approaching such places, shall not exceed eight feet in width and there shall constantly be kept at a sufficient distance ahead, not less than three yards in advance, one bore-hole near the center of the working, and sufficient flank bore-holes on each side six feet apart and six feet in depth.

**Sec. 62. Operators Must Employ Competent Mine Foremen.**—Persons operating coal mines in this State shall employ a competent mine foreman holding a certificate, as required by this chapter. It shall be the duty of said mine foreman to keep a careful watch over the ventilating apparatus and air-ways, and to see that as the miners advance their excavations, all loose material overhead is taken down or carefully secured therein or on the traveling ways. He shall measure the air current at least once a week at the inlet and outlet and at or near the face of the entries. He shall keep a record of such measurements, which shall be entered in a book kept for that purpose, the same to be open for inspection to any member of the board of mine inspectors. He shall also, on or before the third day of each month, mail the chief mine inspector a true copy of said air measurements, stating also the number of persons employed in or about said mine, the number of mules and horses used and the number of days worked in each month. Blanks for this purpose shall be furnished by the State to the board of mine inspectors, who shall in turn furnish them to mine foremen.

**Sec. 63.** The mine foreman or assistant mine foreman of every coal mine shall visit and examine every working-place in the mine at least every alternate day while the mine is in operation, and shall examine and see that every working place is properly secured by timbering, and that the safety of the mine is assured. Such mine

foreman or assistant mine foreman shall see that a sufficient supply of suitable timbers of proper sizes and lengths for use by the miners working therein shall be kept at some convenient place at or near the main entrance to the mine, for the use of the miners, and that the same are delivered to the miners at their working places when required by the miners for that purpose. And shall see that the working-places are properly secured by timbering and the safety of the mine assured. And see that all loose coal, slate, rock or other material in the roofs of the slopes, drifts, entries and air-courses or other places where miners have to travel to and from their work, are taken down or perfectly secured. Whenever such mine foreman or assistant mine foreman shall have an unsafe place reported to him, he shall order and see that the same is placed in a safe condition, and until such time he shall see that no person shall enter such unsafe place except for the purpose of making the same safe. Whenever any person working in a coal mine shall learn of an unsafe place therein, he shall at once notify the mine foreman or assistant mine foreman of such mine, and it shall be the duty of such mine foreman or assistant mine foreman to give him, properly filled out and signed, an acknowledgment of such notice, in the following form:

"I hereby acknowledge receipt from-----  
-----of the unsafe condition of the mine as follows: -----

Dated this the \_\_\_\_ day of -----.

-----  
Mine Foreman,  
Assistant Mine Foreman."

The possession by the person of such written acknowledgment shall be proof of the receipt of such notice by such mine foreman or assistant mine foreman, whenever such question shall arise, and upon receipt of such notice, said mine foreman or assistant mine foreman shall immediately inspect such place and proceed to put the same in good condition; and notify persons interested that said place has been made safe. Persons operating coal mines in this State, or their superintend-

ents or mine foreman, shall, on or before the 25th day of January of each year, send to the board of mine inspectors a correct report specifying with respect to the year ending the 31st day of December immediately preceding, the name of the operator of such mine, the location of the mine, the quantity of the coal mined. The report shall be in such form and give such information regarding such mine as may be from time to time required and prescribed by the board of mine inspectors of this State. Blank forms for such reports shall be furnished by the mine inspectors of the State.

Sec. 64. *Shot-firers.*—In all coal mines in this State where gas is generated or dust is produced, in quantities sufficient to ignite or explode, a sufficient number of practical, experienced men, to be designated as “shot-firers” shall be employed by the person operating such mine and at the expense of such operator, whose duty it shall be to do all firing of blasts, which shall be done in a skillful and workmanlike manner.

Sec. 65. Shot-firers shall each day, immediately after the completion of their work, post a notice in a conspicuous place at the mine, in which shall be indicated the number of shots fired, also the number of shots or blasts failing to explode, if any; specifying the number of the room and the designation of the entry, and giving their reasons why said shots or blasts failed to explode. In addition they shall also keep a daily permanent record in which shall be entered the number of shots or blasts failing to explode, and the number of shots or blasts which, in their judgment, were not properly prepared and which failed to explode or which they failed to fire, giving reasons for the same; the record to be in the custody of the mine foreman or superintendent of the mine, and to be available for inspection at all times by any persons interested. Persons operating such mines, their superintendents and mine foremen, or other persons in charge of the same, shall not permit shot-firers to do any blasting, exploding of blasts, or to do any firing whatever until all persons are out of the mine except shot-firers and fire-bosses.

Sec. 66. *Rules Posted.*—For the purpose of making known the provisions of this chapter to all persons employed in or about coal mines, a typewritten or printed abstract of this chapter and rules promulgated by the board of inspectors and by persons operating mines, shall be posted by the person operating the same in some conspicuous place at or near the mines, where they may be conveniently read by persons working therein, and as often as the same become obliterated or destroyed, the person operating such mine or the person in immediate charge thereof, shall cause them to be restored or re-posted. Any person who wilfully tears down, obliterated, injures, defaces or destroys any such posted matter put up in pursuance of the provisions of this section, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding \$25.00, or by imprisonment in the county jail, not exceeding thirty days, at the discretion of the jury trying the case.

Sec. 67. Any person except members of the board of mine inspectors, entering a coal mine in this State without the authority of the superintendent, mine foreman or person in immediate charge thereof, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding \$25.00.

Sec. 68. It shall be unlawful for any person operating a coal mine in this State to withhold from any person working at or in such mine any portion of his wages or earnings for the purpose of insuring the person operating such mine against loss on account of accident, injury or death of any person working at or in such mine. Any person withholding from any such person working at or in such mine any portion of his wages or earnings, shall be guilty of a misdemeanor, and for every offense shall be punished by a fine not less than \$10.00 nor more than \$100.00, and confined to hard labor for the county not exceeding six months.

Sec. 69. When any person operating a coal mine in this State withholds from any person working for or in such mine any portion of his wages for the purpose of insuring such person against loss, injury or death by



accident, the person withholding such wages or earnings shall give to the person from whom such wages or earnings are withheld, written or printed evidence showing the substance of the contract. Any person withholding any such wages or earnings without furnishing such written or printed evidence of such contract shall be guilty of a misdemeanor and on conviction shall be fined not less than \$10.00 nor more than \$100.00 and imprisoned at hard labor for the county not exceeding six months.

Sec. 70. For the violation of any of the provisions of this chapter, where no punishment is prescribed, the person violating such provision shall be guilty of a misdemeanor and shall be punished by a fine not less than \$10.00 nor more than \$100.00, or by imprisonment in the county jail, or at hard labor for the county, not exceeding twelve months, or by both fine and imprisonment, at the discretion of the court or jury trying the case.

Sec. 71. The word "person," when used in this chapter, shall include corporation, association, copartnership or firm, as well as a natural person.

Sec. 72. *Wages of Miners and Laborers Secured.*—All sums owing laborers for work and labor done, or owing miners for coal mined by them by persons operating coal mines in this State, shall constitute a lien prior to all liens except amounts due for State and county taxes on the entire interest of the person owing such laborers or miners in the land or buildings situate thereon, on which said mines are located, as well as on the mines, mining machinery, tram tracks, tram cars and all implements or tools used in the operation of such mine, and also on all personal property used in the operation of such mine. That such liens may be enforced as mechanics' and material-men's liens are now enforced in this State.

Sec. 73. *Females and Boys Prohibited from Working in Mines.*—Boys under the age of fourteen years, and females, shall not be employed to work in or about any coal mine in this State.

Sec. 74. *Adjacent Owner May Inspect Mines.*—Whenever the owner or lessee of any land adjacent to

other land upon which any mine is being worked in this State shall have reason to believe that such mine is being so worked as to encroach upon his land, he shall be allowed by the person operating such mines, at all reasonable times, to enter upon or into said mines with a competent engineer for the purpose of inspecting and surveying such mine. He may make application under oath if the person operating such mine shall fail or refuse to allow such adjacent owner or lessee to enter such mine, to the probate judge of the county in which the mine is situated, setting out the fact and praying for an order that such mine be surveyed. Upon hearing, after such notice to the person operating such mine as the judge may prescribe, the court may order the sheriff of the county to employ a competent engineer to make a survey of such mine and file such survey in the office of such judge. Such sheriff shall be directed by such judge, if necessary, to accompany such engineer, by himself or deputy, and see that he has the opportunity of entering into such mine and making such survey. Such survey when made shall be filed by such engineer in the office of said judge. Such map, or a copy thereof, the correctness of which is certified to by the judge, may be introduced in evidence in any court of this State. The cost of such hearing, making such survey and map, may be taxed to either or both parties, as such judge may determine.

Sec. 75. Be it further enacted, that all acts and parts of acts in conflict with the provisions of this chapter, be and the same are hereby repealed, and that this act take effect and be enforced from and after its passage.

Mr. Martin of Jackson moved to table the substitute offered by Mr. O'Neill, and the motion to table prevailed.

Mr. Martin of Jackson offered the following amendment to the bill:

Amendments to H. 431:

Amend section 3 so as to read as follows:

Sec. 3. The chief mine inspector and associate mine inspectors shall be qualified electors of this State and

shall be competent persons having at least eight years experience in the working, ventilation and drainage of coal mines in the State, and who shall be practical miners with knowledge of noxious and dangerous gases found in such mines and with conditions in mines containing dust of an explosive character. No one shall be appointed chief mine inspector or mine inspector who, or the wife of whom, owns, operates, in whole or in part, or who has any financial interest in mining coal.

Amend section 6 so as to read as follows:

Sec. 6. That each member of said board is hereby authorized and empowered to issue subpoenas requiring the attendance of witnesses before said board or before such member thereof, to testify under oath in any proceeding before such board or such member, and require witnesses to answer all proper questions propounded to them by said board or such member. That it is hereby made the duty of the sheriff or any constable in the county in which such witness may reside or may be found to execute subpoenas issued as above provided, and that they shall each receive for their services in executing such subpoenas the same fees as are allowed them respectively for executing subpoenas in other cases. Any witness summoned as above mentioned shall be entitled to the same mileage and per diem as is now allowed by law to such witnesses attending trials in the circuit courts. If any witness subpoenaed as above mentioned shall fail to attend without good excuse in accordance with the subpoena served on him, or shall fail to attend without good excuse, in accordance with the subpoena served on him, or shall fail to testify when attending, it is hereby made the duty of said board or the member before whom such proceeding is being had to certify to the failure of any witness to attend and testify to a judge of any court of record in the county where such proceeding is being held. It is hereby made the duty of the judge to whom such certificate is made, to cause such witness to appear before him at a time fixed by said judge, to show cause why he should not be punished for contempt, and to fine or

imprison such witness as such judge may deem proper in case he is found guilty of contempt in the premises. That the expense of executing subpoenas and the attendance of witnesses, as well as said contempt proceedings, shall be paid out of any funds in the treasury of the State on the certificate of the chief mine inspector, approved by the governor of the State.

Amend section 10 to read as follows:

Sec. 10. The chief mine inspector, with the concurrence of the associate mine inspectors, shall have power and authority to immediately stop the operation of any coal mine or any part thereof, in which there is sufficient dust in the opinion of said chief mine inspector and said associate mine inspectors, to cause the explosion and endanger the lives of any of the persons working therein, but work shall not be stopped in any mine except where there is immediate danger of an explosion until the operator or person in charge of said mine shall have had reasonable time in which to remove the danger of such explosion.

Section 11. Amend section 11 by striking out the word "large" on the sixth line immediately preceding the word "body."

Amend section 11 by striking out the word "serious" on the seventh line immediately before the word "fire."

Amend section 11 by striking out the word "dangerously" in the ninth line immediately before the word "near."

Amend section 11 by striking out of the 10th line, the words "believe to contain accumulation of water or gas," where said words appear together and by inserting in lieu thereof, the words: "containing accumulations of water or gas."

Amend section 11 by striking out the clause, beginning with the 13th line and ending with the 17 line.

Section 18. Amend section 18 by striking out the following words, beginning with the fourth line, "and all members of which board shall hold first class certificates."

Section 22. Amend section 22 by striking out the following words, beginning with the sixth line: "his present or past employer."

Section 23. Amend section 23 by striking out of the fifth line the following words, where they appear together, "his present or past employer, and."

Amend section 23 by striking out the following words beginning on the eighth line, "any person holding a certificate of fire boss in another State may act as fire boss in this State until the first meeting of the examining board."

Section 27. Amend section 27 by inserting immediately after the words, "explosive gases," in line 2, the following words: "or dust in quantities sufficient to explode or extend an explosion."

Amend section 27 by inserting on the 4th line, before the word "second," the words, "first or."

Section 28. Amend section 28 by adding immediately at the conclusion thereof, the words: "for a period not exceeding twenty-four hours."

Section 29. Amend section 29 by striking out the word "superintendent" on the second line, and inserting in lieu the word "person."

Section 30. Amend section 30 so as to read as follows: Section 30. Whenever any entry, slope or heading in any coal mine contains dust which will ignite, explode or extend an explosion, it shall be the duty of the person or corporation operating said mine to have it sprayed or sprinkled and have all the accumulation of dust or other explosive matter removed therefrom.

Amend section 32 so as to read as follows: Section 32. Operations of Mines.—When gas exists in any coal mine in quantities sufficient to ignite or explode, the person operating such mine shall employ a competent fire boss holding a first class certificate, as herein provided, whose duty it shall be to examine every place in the mine before the men are permitted to enter for work, said fire boss shall be at some convenient place each day to inform every man, when going to his working place, as to the state and condition of his working place with reference to gas. That such mine shall be carefully ex-

amed every morning with a safety lamp by the fire boss before any person is allowed to enter therein.

Amend section 33 so as to read as follows: Section 33. Ventilation.—Persons operating coal mines in this State shall provide and maintain for every such mine a sufficient amount of ventilation therein, not less than three hundred cubic feet of air per minute for every person working therein and 800 cubic feet per minute for each mule, horse or other animal used in said mine, measured at the foot of the downcast, and as much more as circumstances may require. It shall be forced and circulated around the main entry, cross entries and working places throughout the mine, so that said mine shall be free from standing gas of whatever kind, to such an extent that the entire mine shall be in a fit and proper state at all times for persons to work therein, and will render harmless all noxious or dangerous gases generated therein. Every place in coal mines where fire damp is known or supposed to exist, shall be carefully examined with a safety lamp by a competent fire boss who has obtained a certificate of competency as herein provided, immediately before each shift, and in making said examination it shall be the duty of the fire boss at each examination to leave at a point at least twenty-five feet distant from the face of every slope, drift, entry or air course and at the neck of every room examined by him evidence of his presence by writing with chalk in a conspicuous place, the month, and the day of the month in which said examination was made. It shall be unlawful for any person to knowingly enter any coal mine or part of a mine generating fire damp until it has been examined by the fire boss and reported by him to be safe.

Section 34. Amend section 34 by striking out the following: "they shall examine the roof of the working places and see that it is safe before starting to operate the machine," beginning on the third line and ending on the fifth line. Amend section 34 further by striking out all of the section after the words: "promptly as possible," on the seventh line where said words appear together.

Section 35. Amend section 35 by striking out all the words contained in the fourth line of said section.

Section 36. Amend section 36 by striking out the words, "or carlessly," beginning on the first line and ending on the second line. Amend section 36 by striking out the words, "or to disobey any order given in pursuance of this act," beginning on the 6th line and ~~ending on the 7th line.~~

Section 37. Amend section 37 by striking out all of said section following the words: "in the English language."

Amend section 38 so as to read as follows: Section 38. It shall be the duty of persons operating coal mines in this State to keep at a convenient place at or near the main entrance of the mines, a sufficient supply of props and other timbers useful for propping therein, of suitable lengths and sizes, for those working in such mines. It shall be the duty of those working in such mines who need props or certain other timbers, to select and mark the same when needed for propping by them, designating on such props or timbers the place at which the same are to be delivered or give notice to the person whose duty it is to deliver or have the same delivered, of the number and kind of props or other timbers needed and at the place at which they are to be delivered. It shall then be the duty of the operator to promptly deliver or cause to be delivered such props or other timbers at the place designated. For any failure to so deliver said props or other timbers, the person operating the mine shall be liable for all damages by reason of injury or death of any person resulting from the want of such props or other timbers including all damages caused to the father, or in cease of his death, or desertion of his family, or confinement for crime, to the mother of any miner who is injured or killed. When death is caused to any person for the want of such props or other timbers, the personal representative of the deceased may sue and recover for the benefit of the next kin of the deceased, such damages as the jury assess, it shall be no defense to an action brought under this section that the person injured or killed remained in said mine or continued at his work.

Section 41. Amend section 41 by striking out the word "knowingly" on the first line immediately after the word "allowed."

Section 104. Amend by striking out section 104.

Section 105. Amend by striking out section 105.

Section 109. Amend section 109 by striking out the following, beginning on the ninth line, "the mine rules and regulations so posted shall limit and govern the amount and time of explosives used in said mines."

Section 110. Amend section 110 by striking out said section and by inserting in lieu thereof, the following: Section 110. Any person who willfully violates any of the provisions of this act or any section, clause or provision of this act, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than five dollars nor more than five hundred dollars, or by imprisonment in the county jail for a period not exceeding six months, one or both at the discretion of the court.

If lost then amend section 110 by adding immediately after the words "required to be done" on the first line of said section the following, "or the willful doing of anything prohibited."

Amend section 110 by striking out the following beginning on the 5th line, "or any willful refusal to comply with the instructions of any inspector given by authority of this act."

Amend by inserting section 110½ to read as follows: Section 110½. Persons operating coal mines in this State shall be liable for injury to or death of any person working in or about such mines who is injured or killed by reason of the negligence of any person in the employment of the person operating such mines, while acting within the line of his duty and entrusted by such person with any duty, in any way connected with the hoisting or lowering of men or materials out of or into such mines. A recovery for such injury or death shall not be defeated on account of the person injured, or killed continuing at his place of work in or about such mines after knowing of such negligence in all cases resulting in death caused by the negligence of any such person, the personal representative of the deceas-



ed may sue and recover all such damages as the jury may assess, for the benefit of the next kin of the deceased. In case any miner is injured or killed in or about such mines on account of the negligence of any such person, then the father of such miner, or in case of his death or desertion of his family, or confinement for crime, the mother may recover such damages as they or either of them sustain by reason of the injury or death of such miner.

And the amendment was adopted.

Yeas, 37; nays, 29.

Yeas:

Messrs:—

Speaker	Fowlkes	Martin (Jackson)
Acker	Fuquay	Molton
Avery	Gewin	Mulkey
Barnard	Griffith	McGowen
Bell (Autauga)	Jenkins (Bullock)	Pegram
Brown (Tuscaloosa)	Johnson (Clarke)	Preston
Burton	Johnson (Marshall)	Ramsey
Bush	Jones	Smith
Butt	Kilburn	Sullivan
Chamberlain	Lane	Thomas
Cranford	Letson	Waddell
Darden	Martin (Calhoun)	Whatley
Flanagan		

—37

Nays:

Messrs:—

Boswell	Lawson	Strickland
Brown (Pike)	Mastin	Stollenwerck
Eastis	Merrill	Sturdivant
Edmonds	McDonald	Twombly
Flanagan	Nicholson	Waits
Greene	O'Neill	Walden
Helms	Overton	Walker
Hollis (Choctaw)	Popwell	Wilhite
Hood	Pruett	Wright
Judge	Quinn	

—29

Mr. O'Neill offered the following amendment to the bill:

Amend section 1 by adding thereto the following: "Provided that on the occurrence of a serious accident in any coal mine in this State causing the death of twenty or more persons in such mine or when the death rate from accidents in the coal mines of this State for any calendar year exceeds that of one life for every two hundred thousand tons of coal mined in the State, then in either of such events, the term of office of the then chief mine inspector shall automatically terminate, but he shall continue to discharge the duties of such office until his successor is appointed and qualified. When the office of any chief mine inspector shall terminate as above provided he shall not be ineligible for appointment to said office by the governor, but may be re-appointed thereto."

Amend section 4 of H. 431 by striking out all that part of said section beginning with the word "or" immediately after the word "Alabama" in the 2nd line.

Amend section 2 by striking out the words "eighteen hundred dollars" and inserting in lieu thereof the words "two thousand dollars."

Amend the bill by adding section 2 $\frac{1}{2}$  as follows: 2 $\frac{1}{2}$ . That the governor of this State may require the chief mine inspector to execute bond payable to the State of Alabama in such sum as the governor may determine with condition that he will faithfully discharge the duties of his office and will account for, properly disburse and pay over all funds coming into his hands as license fees collected from applicants for certificates from the board of examiners or otherwise. It shall be the duty of said chief mine inspector to report annually or otherwise and show the disbursement thereof, and at the expiration of his term of office, pay over any moneys in his hands as such to his successor in office.

Amend section 3, in line 5, by inserting after the words "mine foreman certificate," "or be a competent engineer."

Amend the bill by adding section 5 $\frac{1}{2}$  as follows: 5 $\frac{1}{2}$ . It shall be the duty of said board to have one of its

members to promptly investigate all accidents in coal mines resulting in or about the same.

Amend section 6 by striking out the words "in response to a subpoena so issued," and by adding at the end of said section, the following: "That it is hereby made the duty of the sheriff or any constable in the county in which such witnesses may reside or be found, to execute subpoena issued as above provided, and they shall each receive for their services in executing such subpoenas the same fees as are allowed for executing subpoenas in other cases. Any witness summoned as above mentioned shall be entitled to the same mileage and per diem as is now allowed by law to such witnesses attending trial in the circuit courts. If any witness subpoenaed as above mentioned shall fail to attend without good excuse in accordance with the subpoena, served on him, or shall fail to testify when attending, it is hereby made the duty of said board or member before whom said proceeding is being had, to certify to the failure of any witness to attend and testify, to a judge of any court of record in the county where such proceeding is being held. It is hereby made the duty of the judge to whom such certificate is made, to cause such witness to appear before him at a time fixed by said judge, to show cause why he should not be punished for contempt, and to fine or imprison such witness as such judge may deem proper in case he is found guilty of contempt in the premises. That the expense of executing subpoenas and the attendance of witnesses, as well as said contempt proceedings, shall be paid out of any funds in the treasury of the State on the certificate of the chief mine inspector, approved by the governor of the State."

Amend section 10 by striking out the first nine lines thereof which end with the words "or detention of any such person."

Amend section 11 by inserting between the words "except" and "it" where the same occur in the last part of said section, the words: "in a legal proceeding or except."

Amend the bill by adding section 11½ as follows: "11½. It shall be the duty of said board, whenever notified of any fatal accident or accident causing serious personal injury, to any person employed in any coal mine in this State or any gas or dust explosions therein, to require a member of said board to immediately repair to the scene of the accident or explosion and investigate the cause of such accident or explosion and make such orders as are necessary or proper to secure the safety of the persons working therein. Said board shall keep on file at its office a list of all accidents resulting in death or serious bodily injury to any person working in or about such mines. Such list subject to examination as provided in section 11."

Amend section 22 by striking out the words "his present or past employer and," where the same occur in said section.

Amend section 22, line 9, by adding after the words "coal mines generating gases," the words, "or accumulating dust, one or both."

Amend section 23 by striking out the words "his present or past employer, and," where the same occur in said section.

Amend section 25 by adding at the end of said section, the words: "until the next examination for fire bosses."

Amend section 35, line 4, by striking out the words "and in cases of failure to do so, shall be guilty of a misdemeanor."

Amend section 37, line 4, by inserting after the words "approved by the chief inspector, the words, "and the associate mine inspector of the district in which the mine is located."

Amend section 37 by striking out the words: "and violations shall be punishable as provided by this act."

Amend section 39, line 5, by adding the word "of" between the words "made" and "fireproof."

Amend section 41, line 2, by adding after the words "coal mines" the words "in operation," and striking from said line the words, "when it is practicable to remove it."

Amend section 45, line 2, by inserting after the words "chief mine inspector," the words, "and associate mine inspector of the district in which such mine is located," and line 5 of said section by inserting after the word "act," the words "unless considered dangerous by the chief mine inspector, and the associate mine inspector of the district in which such mine is located."

~~Amend section 46, line 5, by inserting after the words~~  
"as far as practicable," the words "provided, that after the passage of this act, that steam pipes shall be placed in the return airway and may be without casing."

Amend section 52 by adding thereto, the words, "all safety catches provided for herein shall be carefully inspected and properly oiled at least once a week and shall be at all times kept in good working condition."

Amend the bill by adding section 63½ as follows: "It shall be unlawful for any mine operator, superintendent, or mine foreman to haul or cause to be hauled on any slope or plane where the grade is against the loaded cars or trips of cars without using a drag on the rear end of the cars or trips of cars when required by two or more mine inspectors for the purpose of derailing the cars or trips of cars in case they break loose and run back. The drag may be made of heavy wrought iron or soft steel."

Amend section 65, line 35, by adding after the words "employees of such" the words "or the employees driving any break-through liable to break into an adjacent mine."

Amend section 74, page 37, line 10, by striking out the words: "two thousand volumes of air" and the words "more than" and inserting after the words: "volumes of air" on line 11, the words "entering the mine."

Amend section 75, line 8, by adding after the word "naptha," the words "so used."

Amend section 76, line 2, by striking out the words: "who might be endangered thereby," and inserting in lieu thereof the words: "in the immediate working places on that entry."

Amend section 83, line 4, by inserting between the words "shall" and "approach" the word "knowingly."

Amend section 82, page 42, line 7, by striking out all of said section commencing with the words: "and it shall be unlawful for any person, etc.," and also all of said section on lines 15 to 18, both inclusive, on page 43.

Amend the bill by adding section 110 $\frac{1}{2}$  as follows: "The word 'person' wherever used in this act shall include corporation, association, co-partnership or firm as well as an actual person."

And the amendment was adopted.

Yeas, 63; nays, 0.

Yeas:

Messrs:—

Speaker	Gewin	McGowen
Acker	Griffith	Nicholson
Avery	Helms	O'Neill
Barnard	Hood	Overton
Bell (Autauga)	Jackson	Pharr
Bell (Pickens)	James	Popwell
Brewer	Johnson (Clarke)	Pruett
Brindley	Johnson (Marshall)	Quinn
Boswell	Jones	Ramsey
Brown (Pike)	Judge	Richeson
Brown (Tuscaloosa)	Kilburn	Sanders
Burton	Lane	Smith
Bush	Lavender	Strickland
Capps	Lawler	Stollenwerck
Chamberlain	Lawson	Sturdivant
Cranford	Letson	Sullivan
Edmonds	Lloyd	Thomas
Flanagan	Martin (Calhoun)	Twombly
Fletcher	Martin (Jackson)	Waits
Fowlkes	Mathews	Whatley
Fuquay	McDonald	Wilhite

—63

And the bill:

H. 431. To regulate the mining of coal in Alabama.

As amended was read a third time at length and passed.

Yeas, 70; nays, 0.

## Yeas:

Messrs:—

Acker	Johnson (Clarke)	Pittman
Avery	Johnson (Marshall)	Pitts
Barnard	Judge	Popwell
Bell (Autauga)	Kilburn	Preston
<del>Baindley</del>	<del>Lane</del>	<del>Pruett</del>
Boswell	Lavender	Quinn
Brown (Pike)	Letson	Ramsey
Brown (Tuscaloosa)	Lloyd	Richeson
Burton	Martin (Calhoun)	Roberson
Bush	Martin (Jackson)	Sanders
Butt	Mastin	Strickland
Capps	Mathews	Stollenwerck
Chamberlain	Merrill	Sturdivant
Cranford	Merritt	Sullivan
Darden	Milner	Thomas
Edmonds	Mulkey	Twombly
Fowlkes	McCurdy	Waddell
Fuquay	McDonald	Waits
Greene	McGowen	Walden
Griffith	Nicholson	Walden
Helms	O'Neill	Whatley
Hood	Overton	Wilhite
Jackson	Pharr	Wright
James		

—70

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from his excellency, the governor, with his objections and proposing amendment to:

S. 161. To amend subdivision 7 of section 1678, article 1, chapter 41, of the code of 1907.

And the Senate has amended the bill as proposed by the governor by adopting and concurring in such proposed amendment.

Yeas, 25; nays, 2.

Which is a majority of the whole number elected to the Senate, and the Senate herewith sends said bill

with the governor's message and proposed amendment herewith to the House of Representatives.

J. A. Kyle,  
Secretary.

# SENATE MESSAGE.

On motion of Mr. Richeson the House concurred in and adopted the governor's amendment to the bill, S. 161, the title to which is set out in the Senate message, said governor's amendment being as follows:

Amend section 2 by adding at the end thereof the following:

"Provided, that the sum hereby appropriated shall be paid out only on the approval of the governor, who, as the state of the treasury in his opinion may warrant, may approve the same in whole, or in part from time to time."

Yeas, 58; nays, 9.

## Yeas:

Messrs :—

Acker	Helms	Pharr
Arnold	Hood	Pittman
Avery	James	Pitts
Barnard	Jenkins (Baldwin)	Popwell
Bell (Autauga)	Jenkins (Bullock)	Preston
Boswell	Johnson (Marshall)	Pruett
Brown (Pike)	Jones	Quinn
Burton	Kilburn	Ramsey
Bush	Lavender	Richeson
Butt	Lawson	Sanders
Capps	Lloyd	Stollenwerck
Chamberlain	Martin (Calhoun)	Sturdivant
Cranford	Mathews	Sullivan
Darden	Milner	Thomas
Eastis	McCurry	Twombly
Flanagan	McDonald	Waddell
Fowlkes	McGowen	Waites
Fuquay	Nicholson	Walker
Gewin	Overton	Williams
Greene		



Nays:

Messrs:—

Speaker	Knight	Merritt
Bell (Pickens)	Letson	Pegram
Edmonds	Merrill	Wright

—9

**BILL ON THIRD READING.**

S. 463. (With amendment.) To provide for the better equipment of the normal school at Daphne, Alabama, Baldwin county, and to make an appropriation therefor.

Was taken up.

The question was upon the adoption of the amendment reported by the standing committee on Appropriations, said amendment being as follows:

“Amend the bill by striking out of section three of the bill the following words, viz.: That in connection with the normal school heretofore established at Daphne, Baldwin county, Alabama, there may be established a summer normal training school for teachers, and the trustees of said school are authorized to appropriate an amount of money sufficient for the maintenance of said summer school, not to exceed the sum of five hundred dollars any one year.”

And the amendment was adopted.

Yeas, 54; nays, 4.

Yeas:

Messrs:—

Speaker	Butt	Jackson
Acker	Capps	Jenkins (Baldwin)
Arnold	Chamberlain	Jenkins (Bullock)
Avery	Darden	Johnson (Elmore)
Barnard	Flanagan	Johnson (Marshall)
Boswell	Fletcher	Jones
Brown (Pike)	Fowlkes	Knight
Brown (Tuscaloosa)	Fuquay	Lane
Burton	Gewin	Lavender
Bush	Greene	Lawson

Letson	Nicholson	Rice
Lloyd	O'Neill	Richeson
Lumpkin	Overton	Smith
Martin (Calhoun)	Pharr	Sturdivant
Mathews	Pegram	Sullivan
Mulkey	Popwell	Twombly
McDonald	Quin	Walker
McGowen	Ramsey	Whatley

—54

Nays:

Messrs:—

Edmonds	Sanders	Wright
Hood		

—4

And the bill:

S. 463. To provide for the better equipment of the normal school at Daphne, Alabama, Baldwin county, and to make an appropriation therefor.

As amended was read a third time at length and passed.

Yeas, 54; nays, 11.

Yeas:

Messrs:—

Speaker	Fowlkes	Martin (Jackson)
Acker	Gewin	Mastin
Arnold	Jackson	Mathews
Barnard	James	Mulkey
Bell (Autauga)	Jenkins (Baldwin)	McDonald
Brewer	Jenkins (Bullock)	Nicholson
Brindley	Johnson (Clarke)	O'Neill
Boswell	Johnson (Elmore)	Pharr
Brown (Pike)	Johnson (Marshall)	Pegram
Brown (Tuscaloosa)	Jones	Pitts
Bush	Judge	Preston
Butt	Knight	Ramsey
Capps	Lane	Smith
Chamberlain	Lavender	Stollenwerck
Darden	Lawson	Sturdivant
Eastis	Letson	Sullivan
Flanagan	Lloyd	Thomas
Fletcher	Martin (Calhoun)	Wilhite

—54

Nay:

Messrs:—

Burton	Milner	Strickland
Edmonds	Pittman	Walden
Fuquay	Popwell	Walker
Hood	Sanders	

—11

#### REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

The committee on Enrolled Bills have examined the following House bills:

H. 244. To prescribe the duties and powers and to fix the compensation of the county superintendents of education of the several counties of this State.

H. 283. To amend sections 28, 29 and 32 of the code of Alabama, 1907.

H. 593. For the relief of Andrew Gray of Jefferson county, Alabama, and to authorize and direct the treasurer of Jefferson county, Alabama, to pay to said Andrew Gray or his attorney of record the sum of two hundred and sixty-three dollars and ninety-four cents (\$263.94) earned by the said Gray while wrongfully working as a convict at hard labor for Jefferson county, Alabama.

H. 702. To authorize and require the clerk of the criminal court of Jefferson county to make and keep a record of all affidavits and warrants returnable to said court for trial; to fix the fees for such services and to authorize trials upon certified copies of affidavits lost, destroyed or mislaid.

H. 791. To amend section 1359 of the code of Alabama.

And find the same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly

read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum of the House, signed the bills the titles to which are set out in the above and foregoing report from the committee on Enrolled Bills.

## BILLS ON THIRD READING.

S. 276. To appropriate ten thousand dollars for the purpose of constructing and equipping a dormitory and constructing or improving other school and farm buildings for the seventh district agricultural school and experiment station at Albertville, Alabama.

Was read a third time at length and passed.

Yeas, 51; nays, 8.

## Yeas:

Messrs:—

Speaker	Jones	Page
Acker	Kilburn	Pharr
Barnard	Knight	Pegram
Bell (Autauga)	Lane	Pruett
Brindley	Lavender	Quinn
Boswell	Lawson	Ramsey
Brown (Pike)	Letson	Richeson
Bush	Lloyd	Roberson
Capps	Lumpkin	Smith
Flanagan	Martin (Calhoun)	Stollenwerck
Fletcher	Merritt	Sturdivant
Gewin	Mulkey	Sullivan
Jackson	McDonald	Thomas
James	McGowen	Waddell
Jenkins (Baldwin)	Nicholson	Waites
Johnson (Clarke)	J'Neill	Walden
Johnson (Elmore)	Overton	Walker
Johnson (Marshall)		

—51

## Nays:

Messrs:—

Edmonds	Merritt	Strickland
Fuquay	Pittman	Whatley
Hood	Sanders	

—8

S. 181. (With amendment.) To appropriate out of any funds of the State not otherwise appropriated, the sum of forty thousand dollars, (\$40,000.00), to be used for the purpose of aiding in the erection of a dormitory for the State normal college situated at Troy, Alabama.

Was taken up.

The question was upon the adoption of the amendment offered by the standing committee on Appropriations; said amendment being as follows:

In section 2 strike out all after the word "that" in the first line down to the word "and" in the sixth line and insert in lieu thereof the following:

"One-fourth of this appropriation, to wit, the sum of ten thousand dollars (\$10,000.00) be due and payable to the treasurer of the said State normal college on the first day of October, 1911; one-fourth, October 1st, 1912; one-fourth October 1st, 1913; and one-fourth October 1st, 1914."

And the amendment was adopted.

Yeas, 57; nays, 4.

Yeas:

Messrs:—

Speaker	Johnson (Marshall)	O'Neill
Acker	Jones	Overton
Arnold	Judge	Page
Brewer	Kilburn	Pharr
Brindley	Knight	Pegram
Brown (Pike)	Lane	Pitts
Bush	Lavender	Popwell
Butt	Lawson	Preston
Capps	Letson	Pruett
Flanagan	Lloyd	Quinn
Fletcher	Lumpkin	Rice
Fowlkes	Martin (Calhoun)	Richeson
Gewin	Martin (Jackson)	Roberson
Horton	Mastin	Rylance
Jackson	Merritt	Sanders
James	Mulkey	Smith
Jenkins (Baldwin)	McCurdy	Stollenwerck
Johnson (Clarke)	McDonald	Walden
Johnson (Elmore)	Nicholson	Wheless

## Nays:

Messrs:—

Fuquay

Mathews

Strickland

Hood

—4

Mr. Mulkey offered the following amendment to the bill:

Amend by adding the following: "Provided that the sum hereby appropriated shall be paid out on the approval of the governor, who as the state of the treasury in his opinion may warrant, may approve the same in whole or in part from time to time."

And the amendment was adopted.

Yeas, 57; nays, 4.

## Yeas:

Messrs:—

Speaker

Johnson (Marshall)

O'Neill

Acker

Jones

Overton

Arnold

Judge

Page

Brewer

Kilburn

Pharr

Brindley

Knight

Pegram

Brown (Pike)

Lane

Pitts

Bush

Lavender

Popwell

Butt

Lawson

Preston

Capps

Letson

Pruett

Flanagan

Lloyd

Quinn

Fletcher

Lumpkin

Rice

Fowlkes

Martin (Calhoun)

Richeson

Gewin

Martin (Jackson)

Roberson

Horton

Mastin

Rylance

Jackson

Merritt

Sanders

James

Mulkey

Smith

Jenkins (Baldwin)

McCurdy

Stollenwerck

Johnson (Clarke)

McDonald

Walden

Johnson (Elmore)

Nicholson

Wheless

—57

## Nays:

Messrs:—

Fuquay

Mathews

Strickland

Hood

—4

And the bill:

S. 181. To appropriate out of any funds of the State not otherwise appropriated, the sum of forty thousand dollars, (\$40,000.00), to be used for the purpose of aiding in the erection of a dormitory for the State normal college situated at Troy, Alabama.

As amended was read a third time at length and passed.

Yeas, 56; nays, 12.

Yeas:

Messrs:—

Speaker	Horton	McDonald
Acker	Jackson	McGowen
Barnard	James	O'Neill
Bell (Autauga)	Jenkins (Baldwin)	Overton
Bell (Pickens)	Johnson (Clarke)	Page
Brewer	Johnson (Elmore)	Pharr
Brindley	Johnson (Marshall)	Pegram
Brown (Pike)	Jones	Pitts
Brown (Tuscaloosa)	Judge	Popwell
Bush	Kilburn	Preston
Butt	Knight	Pruett
Capps	Lane	Quinn
Chamberlain	Lavender	Rice
Flanagan	Lawson	Roberson
Fletcher	Letson	Sanders
Fowlkes	Lloyd	Smith
Gewin	Lumpkin	Stollenwerck
Greene	Martin (Calhoun)	Sturdivant
Griffith	Martin (Jackson)	Waddell
Hollis (Choctaw)	Mulkey	Walker

—56

Nays:

Messrs:—

Burton	Merrill	Twombly
Fuquay	Milner	Walden
Hood	McCurdy	Whatley
Mathews	Pittman	Williams

—12

## GOVERNOR'S MESSAGE.

The following governor's message was received and ordered spread upon the Journal:

Montgomery, Ala., April 7th, 1911.

To the Senate and House of Representatives:

Permit me to urge your favorable consideration to Senate bill 259 which seeks to foster and develop the oyster resources of the State.

The oyster bottoms owned by Alabama constitute one of our most valuable assets and should be properly developed and conserved. The first annual report of the oyster commission of Alabama shows that the State owns 250,000 acres of valuable oyster bottoms, which, according to reliable estimates, should within the next 15 or 20 years net the State from rentals many thousands of dollars annually. It is shown by this report that these oyster bottoms possess unusual advantages owing to the fact that the river systems of the State bring from the watersheds to the tide-waters—where the oysters grow—the food requisite for the thrifty growth of oysters and the lime necessary for shell construction.

Rhode Island, with 20 per cent. of the rental area possessed by Alabama, receives an annual rental income of \$117,000, which is paid directly into the State treasury, and in addition to this her oyster industry creates about \$8,000,000 worth of business for the people of that State. New York, New Jersey, Virginia and Maryland, and other shell fish producing states, realize handsomely from the rental of their oyster beds, none of which I am informed are as valuable as those possessed by the State of Alabama.

I would suggest for your consideration the propriety of appropriating the sum of \$15,000, payable in two annual installments, for the proper development and conservation of this important industry, the amount to be payable whenever in the judgment of the governor or the condition of the treasury will warrant.

Emmet O'Neal,  
Governor.



## BILLS ON THIRD READING.

H. 211. To provide for the holding of teacher's institutes for teachers in this State and to make necessary appropriations for the same.

Was taken up.

Mr. Waddell moved to table the bill, and the motion to table was lost.

Yeas, 25; nays 54.

Yeas:

Messrs:—

Avery	Jenkins (Baldwin)	Quin
Brown (Pike)	Lloyd	Sanders
Burton	Mastin	Strickland
Edmonds	Mathews	Sturdivant
Fletcher	Merrill	Walker
Gewin	McCurdy	Wilhite
Helms	Pittman	Williams
Hood	Pruett	Wright
Huddleston		

—25

Nays:

Messrs:—

Speaker	Hollis (Choctaw)	Mulkey
Acker	Jackson	McDonald
Arnold	James	McGowen
Barnard	Jenkins (Bullock)	O'Neill
Bell (Autauga)	Johnson (Elmore)	Overton
Bell (Pickens)	Jones	Pharr
Brindley	Judge	Pitts
Boswell	Kilburn	Popwell
Bush	Knight	Preston
Butt	Lane	Ramsey
Capps	Lavender	Rice
Chamberlain	Lawler	Richeson
Cranford	Lawson	Roberson
Darden	Letson	Rylance
Eastis	Lumpkin	Smith
Flanagan	Martin (Calhoun)	Stollenwerck
Fuquay	Martin (Jackson)	Sullivan
Greene	Merritt	Waits

—54

And the bill:

H. 211. To provide for the holding of teacher's institutes for teachers in this State and to make necessary appropriations for the same.

As amended was read a third time at length and passed.

Yeas, 51; nays, 29.

Yeas:

Messrs:—

Speaker	Griffith	Mulkey
Acker	Hollis (Choctaw)	McDonald
Arnold	Jackson	McGowen
Barnard	James	Nicholson
Bell (Autauga)	Johnson (Elmore)	Overton
Bell (Pickens)	Johnson (Marshall)	Pharr
Brindley	Judge	Pitts
Boswell	Kilburn	Preston
Brown (Tuscaloosa)	Knight	Rice
Bush	Lane	Richeson
Capps	Lawson	Roberson
Cranford	Letson	Rylance
Darden	Lloyd	Smith
Eastis	Martin (Calhoun)	Stollenwerck
Fuquay	Martin (Jackson)	Sullivan
Gewin	Merritt	Waits
Greene	Milner	Whatley

—51

Nays:

Messrs:—

Avery	Merrill	Sturdivant
Brown (Pike)	McCurdy	Thomas
Burton	O'Neill	Twombly
Flanagan	Page	Waddell
Helms	Pittman	Walden
Hood	Popwell	Walker
Huddleston	Pruett	Wilhite
Jenkins (Baldwin)	Quin	Wheeless
Jones	Sanders	Wright
Mathews	Strickland	

—29

H. 134. (With amendment.) To make appropriation for the support and maintenance for the Southern industrial institute for white boys and girls at Camp Hill, Ala., for the years 1911, 1912, 1913 and 1914.

Was taken up.

The question was upon the adoption of the amendment reported by the standing committee on Appropriations, said amendment being as follows:

In section 1, line 2, strike out the words and figures "five thousand (\$5,000) dollars" and insert in lieu thereof the words and figures "three thousand (\$3,000.00) dollars."

And the amendment was adopted.

Yeas, 62; nays, 1.

#### Yeas:

Messrs:—

Speaker	Jackson	McGowen
Acker	James	Nicholson
Arnold	Johnson (Clarke)	Overton
Avery	Johnson (Elmore)	Pharr
Barnard	Johnson (Marshall)	Pegram
Bell (Autauga)	Jones	Pittman
Bell (Pickens)	Kilburn	Pitts
Boswell	Knight	Popwell
Brown (Pike)	Lane	Quinn
Brown (Tuscaloosa)	Lavender	Rice
Burton	Lawler	Rylance
Bush	Lawson	Smith
Butt	Letson	Strickland
Capps	Lloyd	Stollenwerck
Chamberlain	Martin (Calhoun)	Sturdivant
Darden	Mastin	Sullivan
Flanagan	Mathews	Thomas
Fuquay	Merritt	Walker
Gewin	Milner	Wilhite
Griffith	McCurdy	Wright
Hood	McDonald	

—61

#### Nays:

Mr. Waddell.

—1

Mr. Rylance offered the following amendment to the bill:

"Amend section 2 by adding the following: Provided, that this appropriation shall not be available until the governor has been made ex officio member of the board of trustees of said institution, and in the opinion of the governor the condition of the treasury will permit of the expenditure.

And the amendment was adopted.

Yeas, 60; nays, 0.

Yeas:

Messrs:—

Speaker	Hood	McCurdy
Acker	Jackson	McDonald
Arnold	James	McGowen
Avery	Johnson (Clarke)	Nicholson
Barnard	Johnson (Elmore)	Overton
Bell (Autauga)	Johnson (Marshall)	Pharr
Bell (Pickens)	Jones	Pegram
Boswell	Kilburn	Pittman
Brown (Pike)	Knight	Pitts
Brown (Tuscaloosa)	Lane	Popwell
Burton	Lavender	Quin
Bush	Lawler	Rice
Butt	Lawson	Rylance
Capps	Letson	Smith
Chamberlain	Lloyd	Strickland
Darden	Martin (Calhoun)	Stollenwerck
Flanagan	Mastin	Sturdivant
Fuquay	Mathews	Sullivan
Gewin	Merritt	Thomas
Griffith	Milner	Walker

—60

Nays:

Messrs:—

Page	Waddell	Wilhite
------	---------	---------

—3

And the bill:

H. 134. To make appropriation for the support and maintenance for the Southern Industrial Institute for

white boys and girls at Camp Hill, Ala., for the years 1911, 1912, 1913 and 1914.

As amended was read a third time at length and passed.

Yeas, 79; nays, 2.

Yeas:

Messrs:—

Speaker	Hollis (Choctaw)	McCurdy
Acker	Hood	McDonald
Arnold	Horton	McGowen
Avery	Jackson	Nicholson
Barnard	James	O'Neill
Bell (Autauga)	Jenkins (Baldwin)	Pharr
Bell (Pickens)	Johnson (Clarke)	Pegram
Brindley	Johnson (Elmore)	Pitts
Boswell	Johnson (Marshall)	Pruett
Brown (Pike)	Jones	Quinn
Brown (Tuscaloosa)	Judge	Ramsey
Burton	Kilburn	Rice
Bush	Knight	Richeson
Capps	Lane	Roberson
Chamberlain	Lavender	Rylance
Cranford	Lawson	Smith
Darden	Lee	Strickland
Eastis	Letson	Stollenwerck
Edmonds	Lloyd	Sullivan
Flanagan	Lumpkin	Twombly
Fletcher	Martin (Calhoun)	Waits
Fowlkes	Martin (Jackson)	Walden
Fuquay	Mastin	Walker
Gewin	Merrill	Whatley
Greene	Merritt	Wheless
Griffith	Mulkey	Wilhite
Helms		

—79

Nays:

Messrs:—

Waddell Williams

—2

H. 670. To provide bail pending an appeal in all felony cases where the defendant is sentenced to the pen-

itentiary for a term of five years or less.

Was read a third time at length and passed.

Yeas, 73; nays, 0.

Yeas:

Messrs:—

Speaker	James	Overton
Acker	Johnson (Clarke)	Page
Avery	Johnson (Elmore)	Pharr
Barnard	Johnson (Marshall)	Pegram
Btindley	Jones	Pittman
Boswell	Kilburn	Pitts
Brown (Pike)	Knight	Popwell
Brown (Tuscaloosa)	Lane	Preston
Burton	Lavender	Pruett
Bush	Lawson	Quin
Capps	Lawson	Rice
Chamberlain	Letson	Richeson
Cranford	Lloyd	Rylance
Darden	Lumpkin	Smith
Edmonds	Martin (Calhoun)	Strickland
Flanagan	Mathews	Stollenwerck
Fletcher	Merrill	Sturdivant
Fuquay	Merritt	Sullivan
Gewin	Milner	Twombly
Greene	Mulkey	Walden
Griffith	McCurdy	Whatley
Hollis (Choctaw)	McDonald	Wilhite
Hood	McGowen	Williams
Horton	Nicholson	Wright
Jackson	O'Neill	

—73

H. 357. To further regulate primary elections in the State of Alabama, to prohibit graft, and to prohibit the employment by any candidate or other person or persons for any candidate of any person or association of persons as helpers or canvassers for any reward, money, or other thing of value, and to prohibit the use of hacks, automobiles or other vehicles at the polls for the purpose of bringing out voters, and to prohibit other evil

practices and to prescribe punishment for the violation thereof.

Was taken up.

Mr. Brown of Tuscaloosa offered the following substitute to the bill:

Amend House bill 357 by substituting the following:

"A bill to be entitled an act to further regulate elections in Alabama and to prevent corruption therein."

Be it enacted by the Legislature of Alabama, as follows:

Section 1. Any person who, either directly or indirectly, gives or offers to give to, or who, either directly or indirectly, receives or offers or agrees to receive from, any other person any money or other thing of value (except as permitted in section 2 of this act) for any time, act, influence, air or service given or rendered, or expense incurred, in any primary, special, general or other election in Alabama, or for any candidate, principle or proposition involved therein, shall be guilty of a misdemeanor for each such offense, and shall be fined not less than twenty-five dollars nor more than five hundred dollars. For a second or any subsequent conviction any such defendant may be sentenced to the penitentiary for one year.

Section 2. Nothing in this act shall be construed to prevent any candidate, party, association, committee, or organization from employing a stenographer, clerk or office force to be engaged in the actual duty of sending out from the office or headquarters, literature bearing upon any election, or in clerical work preparatory thereto, nor shall it prevent any newspaper or printer from printing or publishing any such literature and charging not exceeding the legal fees fixed therefor, nor shall it prevent any election officer from receiving the legal fees fixed for his services in any election in which he may serve as such election officer, nor shall it prevent any candidate from paying any fee or charge assessed against him by law or publicly assessed against him by his party committee.

On motion of Mr. Lavender the bill, S. 357, and substitute was laid upon the table.

Yeas, 48; nays, 5.

**Yeas:**

Messrs:—

Speaker	Horton	Milner
Acker	Jackson	Mulkey
Barnard	James	McCurdy
Boswell	Johnson (Clarke)	Nicholson
Brown (Pike)	Johnson (Elmore)	O'Neill
Brown (Tuscaloosa)	Johnson (Marshall)	Pitts
Burton	Judge	Quinn
Butt	Kilburn	Ramsey
Capps	Knight	Rylance
Chamberlain	Lane	Sanders
Cranford	Lavender	Smith
Edmonds	Lawson	Strickland
Fletcher	Letson	Sullivan
Fowlkes	Mathews	Walker
Helms	Merrill	Whatley
Hood	Merritt	Wilhite

—48

**Nays:**

Messrs:—

McDonald	Stollenwerck	Williams
Richeson	Waddell	

—5

H. 728. To appropriate the sum of \$606.00 to Marshall & Bruce Company, Nashville, Tenn., contractors for publication of the code of Alabama, 1907.

Was read a third time at length and passed.

Yeas, 54; Nays, 2.

**Yeas:**

Messrs:—

Speaker	Flanagan	Horton
Acker	Fletcher	Jackson
Barnard	Fowlkes	James
Burton	Fuquay	Johnson (Clarke)
Bush	Greene	Johnson (Marshall)
Butt	Griffith	Jones
Chamberlain	Hood	Lane



Lawson	Page	Sturdivant
Letson	Pitts	Sullivan
Lloyd	Popwell	Thomas
Lumpkin	Pruett	Twombly
Mathews	Quinn	Waddell
Merritt	Ramsey	Waits
McDonald	Rice	Walden
McGowen	Rylance	Walker
Nicholson	Smith	Wilhite
O'Neill	Strickland	Williams
Overton	Stollenwerck	Wright

—54

Nays:

Messrs:—

Crown (Pike) Edmonds

—2

H. 725. To amend section 7803 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 46; nays, 9.

Yeas:

Messrs:—

Speaker	Judge	Popwell
Acker	Knight	Pruett
Barnard	Lavender	Quinn
Bell (Autauga)	Letson	Ramsey
Burton	Lloyd	Rice
Bush	Martin (Calhoun)	Smith
Butt	Mathews	Stollenwerck
Capps	Milner	Sturdivant
Chamberlain	Mulkey	Sullivan
Cranford	McDonald	Thomas
Darden	McGowen	Twombly
Edmonds	Nicholson	Waddell
Fowlkes	O'Neill	Waite
Gewin	Pegram	Walker
Jackson	Pitts	Williams
Johnson (Elmore)		

—46

## Nays:

Messrs:—

Helms	Pittman	Whatley
Hood	Richeson	Wilhite
Knight	Walden	Wright

—9

H. 807. To amend section 2169 of the code of Alabama.

Was taken up.

Mr. Brown of Tuscaloosa offered the following substitute for the bill:

Amend bill so as to read as follows:

A bill to be entitled an act to amend section 2169 of the code of Alabama.

Section 1. Be it enacted by the Legislature of Alabama that section 2169 of the code of Alabama be and the same is hereby amended so as to read as follows:

Section 2169 (4003) (533). Appointments by collector and notice thereof.—The tax collector shall attend at each voting place in each election precinct in the county once in each year from 8 o'clock in the morning until 4 o'clock in the afternoon for the purpose of collecting the taxes of such precincts and of the time and place of such appointments he shall give at least 30 days notice, by publication in some newspaper if one is published in the county, and by bills posted at five or more public places in each election precinct in the county and shall keep his office open at the court house from the first day of October until the first day of May following and in counties having forty thousand or more inhabitants, he shall keep his office open all the year round and need not make or attend any appointments.

And the substitute was adopted.

Yeas, 56; nays, 4.

## Yeas:

Messrs:—

Speaker	Barnard	Brown (Tuscaloosa)
Acker	Bell (Pickens)	Capps
Arnold	Brindley	Chamberlain

Cranford	Martin (Jackson)	Ramsey
Darden	Mathews	Rice
Flanagan	Merrill	Sanders
Fowlkes	Merritt	Smith
Greene	Mulkey	Stollenwerck
Griffith	McDonald	Sturdivant
Hood	McGowen	Sullivan
Jackson	O'Neill	Thomas
James	Overton	Twombly
Jenkins (Baldwin)	Page	Walden
Johnson (Clarke)	Pegram	Walker
Judge	Pittman	Whatley
Lane	Pitts	Wheeless
Lawler	Popwell	Willhite
Letson	Pruett	Wright
Lumpkin	Quinn	

—56

Nays:

Messrs:—

Brown (Pike)	Nicholson	Williams
Jones		

—4

And the bill:

H. 708. To amend section 2169 of the code of Alabama.

As amended was read a third time at length and passed.

Yeas, 55; nays, 3.

Yeas:

Messrs:—

Speaker	Cranford	Hood
Acker	Darden	Huddleston
Arnold	Edmonds	James
Barnard	Flanagan	Jenkins (Baldwin)
Boswell	Fletcher	Jenkins (Bullock)
Brown (Pike)	Fowlkes	Judge
Brown (Tuscaloosa)	Fuquay	Knight
Butt	Gewin	Lavender
Capps	Helms	Letson
Chamberlain	Hollis (Choctaw)	Lumpkin

Martin (Jackson)	Pruett	Stollenwerck
Merrill	Quinn	Sturdivant
Mulkey	Rice	Sullivan
McDonald	Richeson	Thomas
McGowen	Rylance	Waddell
O'Neill	Sanders	Walden
Overton	Smith	Whatley
Pegram	Strickland	Wilhite
Pitts		

—55

Nays:

Messrs:—

Johnson (Elmore)      Nicholson      Pittman

—3

H. 572. For the relief of Walter Jones, administrator of the estate of P. P. Jones.

Was read a third time at length and passed.

Yeas, 56; nays, 2.

Yeas:

Messrs:—

Speaker	Jackson	Pitts
Acker	James	Quinn
Arnold	Jenkins (Baldwin)	Ramsey
Barnard	Johnson (Clarke)	Rice
Bell (Pickens)	Johnson (Marshall)	Richeson
Brindley	Jones	Rylance
Brown (Pike)	Judge	Smith
Burton	Knight	Strickland
Capps	Lavender	Stollenwerck
Chamberlain	Lawson	Sturdivant
Flanagan	Letson	Sullivan
Fletcher	Mathews	Thomas
Fowlkes	Mulkey	Twombly
Fuquay	McDonald	Waddell
Gewin	Nicholson	Waits
Griffith	O'Neill	Walden
Helms	Page	Williams
Hood	Pharr	Wright
Horton	Pegram	

—56

Nays:

Messrs:—

Pittman      Whatley

—2

H. 217. To authorize the sale and conveyance of certain lands which have been conveyed to the State for school purposes.

Was read a third time at length and passed.

Yeas, 64; nays, 0.

Yeas:

~~Yeas:~~

Speaker	Jenkins (Bullock)	Preston
Acker	Johnson (Clarke)	Pruett
Arnold	Johnson (Marshall)	Quin
Barnard	Judge	Rice
Bell (Autauga)	Kilburn	Richeson
Brindley	Lane	Roberson
Brown (Pike)	Lavender	Sanders
Burton	Lawson	Smith
Butt	Letson	Strickland
Capps	Martin (Calhoun)	Stollenwerck
Chamberlain	Mathews	Sturdivant
Darden	Merrill	Sullivan
Flanagan	Mulkey	Thomas
Fletcher	McDonald	Twombly
Fowlkes	McGowen	Waits
Fuquay	Nicholson	Walden
Greene	O'Neill	Walker
Griffith	Page	Whitley
Helms	Pegram	Wheeless
Hollis (Choctaw)	Pittman	Williams
Hood	Pitts	Wright
James		

—64

H. 150. For the relief of the Bank of Ensley, a partnership composed of Erskine Ramsay and G. B. McCormick of the county of Jefferson, State of Alabama, in the matter of the loss or destruction of certain described interest coupons on Alabama State bonds.

Was read a third time at length and passed.

Yeas, 56; nays, 0.

Yeas :

Messrs :—

Speaker	James	Page
Acker	Jenkins (Bullock)	Pegram
Bell (Autauga)	Johnson (Marshall)	Pitts
Brindley	Jones	Pruett
Brown (Pike)	Judge	Quinn
Butt	Knight	Ramsey
Capps	Lane	Rice
Chamberlain	Lavender	Richeson
Cranford	Lawler	Rylance
Darden	Lawson	Smith
Dennis	Letson	Stollenwerck
Edmonds	Lumpkin	Sturdivant
Flanagan	Martin (Calhoun)	Sullivan
Fletcher	Milner	Thomas
Fuquay	McDonald	Twombly
Greene	McGowen	Waits
Griffith	McLendon	Walden
Helms	Nicholson	Whatley
Hollis (Choctaw)	Overton	

—56

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has non-concurred in the House amendment to:

S. 321. To appropriate the two and three per cent funds now in the treasury of the State to the Mobile & West Alabama Railroad Company and to the Alabama and Northern Railroad Company.

And requests committee of Conference. Committee on part of Senate: Merrs. Rogers, Sprott and Merrill.

And sends same herewith to the House.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

The House acceded to the request of the Senate for a Conference committee on the disagreement of the two

houses, to House amendment to S. 321, and the Speaker appointed as Conference committee on part of the House Messrs. Bush, Rylance, McGowan.

MESSAGE FROM THE SENATE.

Mr. Speaker:

~~The Senate has originated and adopted the following~~  
joint resolution:

By Mr. Merrill:

S. J. R. 132. Resolved, by the Senate, the House concurring, that Senate bill 262 be returned to the governor for his approval.

And sends same herewith to the House.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the Senate joint resolution which is set out in the above and foregoing Senate message.

The hour of 1 o'clock having arrived the House recessed until 3 o'clock p. m.

AFTERNOON SESSION.

The hour of 3 o'clock having arrived, the House reconvened.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President and presiding officer of the Senate having signed the following Senate bills:

S. 52. An act to appropriate money for the Alabama normal college at Livingston, Alabama.

S. 226. An act to appropriate ten thousand dollars for the purpose of building dormitories for the Southeast Alabama agricultural school and experiment station, located in the third congressional district, in Henry county, at Abbeville, Alabama.

S. 278. An act to appropriate ten thousand dollars for the purpose of constructing and equipping a dormitory and constructing or improving other school and farm buildings for the ninth district agricultural school and experiment station at Blountsville, Alabama.

S. 301. An act to provide for the better construction, repairing, working and maintaining of public roads and bridges in Clay county, Alabama.

S. 341. An act to provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government.

S. 362. An act to amend sections 555, 558 and 560 of the code of Alabama.

S. 374. An act to amend section 1780 of the code of 1907.

S. 375. An act to provide for the more efficient working of the public roads and construction and repair of bridges in Fayette county; to create a highway commission in said county and define its powers and duties, to provide for a road supervisor, fix his compensation and define his duties and to authorize the employment of a highway engineer; to provide for revenue for road and bridge purposes in said county; to provide for the ap-



pointment of road foremen in the several precincts in the county, fix their compensation and define their duties and powers; to authorize the purchase of necessary tools, teams, road machines and other implements; to provide for a commutation fee in lieu of working the roads; to prevent the obstruction and damage to the public roads and bridges and to prescribe rules, regulations and penalties in order to carry into effect the purposes of this act.

S. 400. An act to provide for the disposition of the property of educational corporations whose stockholders are unknown or where the amount or number of shares are unknown.

S. 19. An act to appropriate the sum of twenty-five thousand dollars for the erection of a modern school building for the sixth congressional district agricultural school, located at Hamilton, the present building having become inadequate for the necessities of the school.

S. 68. An act to amend chapter 242 of the code and establish a jury commission to select jurors and the qualifications of the same.

Your signature thereto is requested.

J. A. Kyle,  
Secretary.

#### SIGNING OF BILLS

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing message from the Senate.

#### BILLS ON THIRD READING.

H. 724. To create a board of trustees for the government and control of the several State normal schools for whites and for the making and enforcing of a course

of study for the said State normal schools and for the rural schools of the State, and for the repealing of any general and special laws and provision of any charter or charters in conflict with the provisions of this act.

Was taken up.

Mr. Lavender offered the following amendment to the bill:

#### A BILL

To be entitled an act to create a board for the making and enforcing of a course of study for the State normal schools for white people and for the rural, town and village public schools for the State, fixing the term of the members thereof, and prescribing their duties and powers.

Section 1. Be it enacted by the Legislature of Alabama, That a board, consisting of the superintendent of education of the State, and the presidents of the State normal schools for white people, be and the same is hereby created, and vested with the powers and duties hereinafter provided.

Sec. 2. Said board is hereby vested with the duty of prescribing a course of study, and of fixing the educational standards, both for the several normal schools for white people, and for the rural, town and village public schools in Alabama. Said course of study and educational standards of the several normal schools shall be identical in character and as nearly equal in extent as the State support of the said schools will permit; and the said course of study and educational standards for the rural, village and town public schools shall be identical and as nearly equal in extent as circumstances will permit.

Sec. 3. The persons composing said board hereby created shall be members thereof so long as they hold their respective positions, and shall not receive compensation for their duties on said board, but shall be reimbursed from the funds of the State normal schools for their actual expenses incurred in attending meetings of the board.

Sec. 4. Said board shall have the right to enforce its requirements, and shall have the right to make and adopts such rules and regulations as it may seem proper effectually to put in operation its requirements.

Sec. 5. Said board shall meet at the call of the superintendent of education or a majority of the members thereof. The superintendent of education shall be ~~ex~~ ~~officio~~ chairman of said board, and as such shall be its executive officer.

Sec. 6. Said board shall cause the usefulness of the normal schools to be extended as far as possible by providing for summer training courses for teachers.

Sec. 7. If any normal school for white people in this State shall fail to observe the requirements of said board hereby created, the State superintendent of education upon the recommendation of a majority of said board shall certify the same to the auditor of Alabama, and thereafter said auditor shall not issue a warrant in favor of any such school for any funds appropriated therefor, until such requirements have been put into operation, and the State superintendent of education shall so certify to the auditor, when he shall thereupon issue warrants as usual. If any rural, town or village school shall fail to observe the requirements of said board, the county board of education shall withhold school funds due said school until said requirements shall have been put into operation; but the sworn statement of the teacher of such school shall be sufficient proof that the requirements of this act have been complied with.

Sec. 8. On all questions coming before the board herein created a majority vote shall be decisive and binding, and the superintendent of education of the State shall be charged with the duty of enforcing all acts of the said board.

Sec. 9. All laws and parts of laws, whether general, special or charter, in conflict with the provisions of this act be and the same are hereby repealed.

Mr. Fuquay offered the following amendment to the substitute: Add the following to Sec. ---: "And pro-

vided, however, that said board of trustees may also recommend such tuition for the several schools as they may deem proper."

On motion of Mr. Arnold the substitute and amendment was laid upon the table.

Mr. Milner offered the following amendment to the bill:

Amend the bill by striking out section 3 of the same and insert the following in lieu thereof:

Sec. 3. It shall be the duty of the board to visit each school under its supervision at least once during each scholastic year for the purpose of making such inspection of its work and gathering such information as will enable said board to perform its duties intelligently and effectively.

And the amendment was adopted.

Yeas, 59; nays, 0.

Yeas:

Messrs:—

Acker	Horton	Page
Arnold	Huddleston	Pharr
Bell (Autauga)	Jackson	Pegram
Bell (Pickens)	Jenkins (Bullock)	Pittman
Brindley	Johnson (Clarke)	Pitts
Brown (Pike)	Johnson (Marshall)	Popwell
Brown (Tuscaloosa)	Judge	Pruett
Bush	Kilburn	Quin
Chamberlain	Lavender	Ramsey
Eastis	Lawler	Rylance
Edmonds	Lawson	Smith
Fletcher	Letson	Stollenwerck
Fowlkes	Lumpkin	Sturdivant
Fuquay	Martin (Calhoun)	Sullivan
Gewin	Martin (Jackson)	Twombly
Greene	Milner	Walden
Griffith	Mulkey	Walker
Helms	McDonald	Whatley
Hollis (Choctaw)	O'Neill	Wright
Hood	Overton	

And the bill:

H. 724. To create a board of trustees for the government and control of the several State normal schools for whites and for the making and enforcing of a course of study for the said State normal schools and for the rural schools of the State, and for the repealing of any general and special laws and provision of any charter or charters in conflict with the provisions of this act.

As amended was read a third time at length and passed.

Yeas, 65; nays, 4.

Yeas:

Messrs:—

Speaker	Helms	Overton
Acker	Hollis (Choctaw)	Page
Arnold	Hood	Pharr
Avery	Horton	Pittman
Barnard	Jackson	Pitts
Bell (Autauga)	James	Preston
Bell (Pickens)	Jenkins (Bullock)	Pruett
Brewer	Johnson (Clarke)	Quin
Brindley	Johnson (Elmore)	Ramsey
Brown (Tuscaloosa)	Johnson (Marshall)	Richeson
Burton	Knight	Roberson
Butt	Lawson	Rylance
Chamberlain	Letson	Smith
Darden	Lumpkin	Strickland
Eastis	Martin (Calhoun)	Stollenwerck
Edmonds	Mathews	Sturdivant
Flanagan	Milner	Sullivan
Fowlkes	Mulkey	Thomas
Fuquay	McDonald	Twombly
Gewin	McGowen	Walden
Greene	Nicholson	Whatley
Griffith	O'Neill	

—65

Nay:

Messrs:—

Brown (Pike)	Kilburn	Waites
Huddleston		

—4

## REPORT OF CONFERENCE COMMITTEE.

The Conference committee made the following report.

Committee on Conference appointed to consider Senate bill 321, begs leave to report as follows:

1. They recommend that the House recede from all its amendments.

2. They recommend that the original Senate bill be amended so that when amended the caption of the bill and the bill with read as follows:

A bill to be entitled an act to appropriate the two and three per cent funds now in the treasury of the State, to the Mobile and West Alabama Railroad Company, and to the Alabama, Tennessee and Northern Railroad Company, and to the Montgomery and Chattanooga Railroad Company.

Section 1. *Be it enacted by the Legislature of Alabama*, That the two and three per cent funds now in the treasury of the State, amounting to the sum of (\$6,910.16) six thousand nine hundred ten and 16-100 dollars be and the same is hereby appropriated as follows, to-wit: Two thousand three hundred three and 38-100 (\$2,303.38) dollars is hereby appropriated to the Mobile and West Alabama Railroad Company, a corporation organized and existing under the laws of the State of Alabama; and the sum of two thousand three hundred three and 38-100 (\$2,303.38) dollars is hereby appropriated to the Alabama, Tennessee and northern Railroad Company, a corporation organized and existing under the laws of the State of Alabama; and the sum of two thousand three hundred three and 38-100 (\$2,303.38) dollars is hereby appropriated to the Montgomery and Chattanooga Railroad Company, a corporation organized and existing under the laws of the State of Alabama.

Section 2. *Be it further enacted*, That the auditor of Alabama is authorized and directed to draw his warrant on the treasurer of the State of Alabama for the above mentioned railroads for the above specified amounts; and the warrants shall be paid by the State

treasurer to the treasurers of the several railroad companies above specified.

Section 4. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

S. H. Sprott, C. P. Rogers, Sr., W. B. Merrill, on part of the Senate.

Albert P. Bush, W. E. McGowen, J. B. Ryland, committee on the part of the House.

And the House concurred in and adopted the report of the Conference committee which is set out in the above and foregoing report.

Yeas, 68; nays, 2.

Yeas:

Messrs:—

Speaker	Horton	Pegram
Acker	Huddleston	Pittman
Arnold	Jackson	Pitts
Avery	James	Preston
Barnard	Jenkins (Bullock)	Pruett
Bell (Autauga)	Johnson (Clarke)	Quinn
Brewer	Johnson (Elmore)	Ramsey
Brindley	Johnson (Marshall)	Rice
Boswell	Judge	Richeson
Brown (Pike)	Knight	Ryland
Brown (Tuscaloosa)	Lane	Smith
Burton	Lavender	Strickland
Bush	Lawler	Stollenwerck
Chamberlain	Lawson	Sturdivant
Cranford	Letson	Sullivan
Darden	Martin (Calhoun)	Thomas
Flanagan	Milner	Twombly
Fletcher	McDonald	Waddell
Fuquay	McGowen	Waits
Gewin	Nicholson	Walden
Greene	O'Neill	Whatley
Griffith	Overton	Wilhite
Helms	Parks	

—68

Nays:

Messrs:—

Eastis	Edmonds
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—2

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has non-concurred in the House amendment to:

S. 238. An act to provide for the creation of the office of State prison inspector; to prescribe the duties and powers of such office; to provide for the necessary assistants to said Inspector; to fix the compensation of such Inspector and his assistants; to provide for the construction, the regulation, the management, the maintenance, the operation, the healthfulness, and the sanitation of all county jails, alms-houses, and such town and city prisons as are in towns or cities of ten thousand or more population according to the last Federal Census, under the supervision of said inspector; and to prescribe the duties of the various public officials with respect thereto, and to provide punishment for violations of this act.

And requests committee of Conference. Committee on part of Senate: Messrs. Kilby and Vaiden.

And sends same herewith to the House.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

The House acceded to the request of the Senate for a Conference committee on the disagreement of the two Houses on House amendment to S. 238, and the Speaker appointed on said committee of Conference on the part of the House, Messrs. Martin of Jackson, Bell of Pickens, and Jackson.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill:



H. 126. To make appropriation for buildings, machinery, equipment and other necessary improvements at the Alabama industrial school for white boys.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

On motion of Mr. Bush the House concurred in and adopted the Senate amendment to the bill, H. 126, said Senate amendment being as follows:

"Amend by striking out 'thirty-five thousand' and insert in lieu thereof 'thirty thousand.'"

Yeas, 60; nays, 0.

Yeas:

Messrs:—

Speaker	Hood	Pharr
Acker	Horton	Pegram
Arnold	Huddleston	Pitts
Avery	James	Preston
Barnard	Jenkins (Baldwin)	Pruett
Brown (Pike)	Jenkins (Bullock)	Quin
Brown (Tuscaloosa)	Johnson (Clarke)	Rice
Burton	Johnson (Elmore)	Richeson
Bush	Johnson (Marshall)	Roberson
Butt	Jones	Smith
Cranford	Lawson	Stollenwerck
Edmonds	Letson	Sturdivant
Flanagan	Martin (Calhoun)	Sullivan
Fletcher	McDonald	Twombly
Fuquay	McGowen	Waddell
Gewin	Nicholson	Waits
Greene	O'Neill	Walden
Griffith	Overton	Walker
Helms	Page	Whatley
Hollis (Choctaw)		

## BILLS ON THIRD READING.

S. 432. (With amendment.) To provide for a better equipment of the normal school at Moundville, Alabama, Hale county, and make an appropriation therefor.

Was taken up.

The question was upon the adoption of the amendment reported by the standing committee on Appropriations, said amendment being as follows:

Section 2. That the auditor of the State shall draw his warrant on the treasurer of the State in favor of the treasurer of the said normal school for the several amounts as they become payable under the provisions of this act.

Provided, that the sum hereby appropriated shall be paid out only on the approval of the governor, who, as the state of the treasury in his opinion may warrant, may approve the same in whole or in part from time to time.

And the amendment was adopted.

Yeas, 64; nays, 0.

Yeas:

Messrs:—

Speaker	Greene	Lane
Acker	Griffith	Lavender
Arnold	Helms	Letson
Avery	Hollis (Choctaw)	Lumpkin
Barnard	Hood	Martin (Calhoun)
Bell (Autauga)	Horton	Martin (Jackson)
Boswell	Huddleston	Mastin
Brown (Pike)	James	Mulkey
Brown (Tuscaloosa)	Jenkins (Baldwin)	McDonald
Butt	Jenkins (Bullock)	McGowen
Darden	Johnson (Clarke)	Nicholson
Eastis	Johnson (Elmore)	O'Neill
Flanagan	Johnson (Marshall)	Overton
Fletcher	Judge	Pegram
Gewin	Kilburn	Pitts

Popwell	Stollenwerck	Walden
Preston	Sullivan	Walker
Pruett	Thomas	Whatley
Quinn	Twombly	Wilhite
Richeson	Waddell	Williams
Smith	Waits	Wright
Strickland		

—64

**And the bill:**

S. 432. To provide for a better equipment of the normal School at Moundville, Alabama, Hale county, and make an appropriation therefor.

As amended, was read a third time at length and passed.

Yeas, 69; nays, 0.

**Yeas:**

Messrs:—

Speaker	Huddleston	Pegram
Acker	James	Pitts
Arnold	Jenkins (Baldwin)	Popwell
Barnard	Jenkins (Bullock)	Preston
Bell (Autauga)	Johnson (Clarke)	Pruett
Brindley	Johnson (Elmore)	Quinn
Brown (Pike)	Johnson (Marshall)	Ramsey
Brown (Tuscaloosa)	Judge	Richeson
Bush	Knight	Rylance
Butt	Lane	Smith
Chamberlain	Lavender	Strickland
Cranford	Letson	Stollenwerck
Darden	Lloyd	Sturdivant
Eastis	Lumpkin	Sullivan
Edmonds	Martin (Calhoun)	Thomas
Flanagan	Mathews	Twombly
Fowlkes	Mulkey	Waddell
Gewin	McCurdy	Waits
Greene	McDonald	Walden
Griffith	McGowen	Walker
Helms	Nicholson	Wilhite
Hollis (Choctaw)	O'Neill	Williams
Horton	Page	Wright

—69

H. 338. To amend sections 60 (406), 61 (407) and 67 (413) of the code of Alabama of 1907.

Was taken up.

Mr. Horton offered the following amendment to the bill:

"Amend House bill 338 by adding after the word "schools" in line 10 of Sec. 2, thereof, the following: Provided, that three thousand dollars of the sum hereby appropriated shall be payable on the approval of the governor, in whole or in part from time to time, as in his opinion, the condition of the treasury may warrant.

And the amendment was adopted.

Yeas, 71; nays, 8.

### Yeas:

Messrs:—

Speaker	James	O'Neill
Acker	Jenkins (Baldwin)	Overton
Arnold	Jenkins (Bullock)	Page
Avery	Johuson (Marshall)	Pegram
Barnard	Jones	Pittman
Bell (Autauga)	Kilburn	Pitts
Brindley	Knight	Popwell
Boswell	Lane	Preston
Brown (Pike)	Lavender	Pruett
Brown (Tuscaloosa)	Lawler	Quinn
Burton	Lawson	Rice
Bush	Letson	Richeson
Butt	Lloyd	Rylance
Capps	Lumpkin	Strickland
Darden	Martin (Calhoun)	Stollenwerck
Eastis	Martin (Jackson)	Sturdivant
Edmonds	Mastin	Sullivan
Flanagan	Mathews	Thomas
Gewin	Mulkey	Twombly
Greene	McCurdy	Waddell
Griffith	McDonald	Walden
Helms	McGowen	Whatley
Horton	McLendon	Wheless
Jackson	Nicholson	

Nays:

Messrs:—

Fuquay	Merritt	Wilhite
Hood	Sanders	Wright
Merrill	Waddell	

—8

And the bill:

~~H. 238. To amend sections 60 (406), 61 (407) and 67 (413) of the code of Alabama of 1907.~~

As amended, was read a third time, at length and passed.

Yeas, 44; nays, 21.

Yeas:

Messrs:—

Speaker	Huddleston	Overton
Acker	Jackson	Pegram
Barnard	James	Pitts
Brewer	Johnson (Marshall)	Popwell
Brindley	Knight	Preston
Brown (Tuscaloosa)	Lane	Pruett
Bush	Lavender	Quinn
Butt	Lawler	Richeson
Capps	Letson	Roberson
Flanagan	Lloyd	Smith
Fowlkes	Martin (Calhoun)	Stollenwerck
Gewin	Martin (Jackson)	Sturdivant
Greene	Mulkey	Sullivan
Griffith	McDonald	Thomas
Horton	McGowen	

—44

Nays:

Messrs:—

Bell (Pickens)	Merrill	Waddell
Boswell	McCurdy	Walden
Brown (Pike)	Pittman	Walker
Edmonds	Rylance	Whatley
Fuquay	Sanders	Wilhite
Jones	Strickland	Williams
Mathews	Twombly	Wright

—21

H. 290. For the relief of Mary Gossett of Marshall county.

Was read a third time at length and passed.

Yeas, 64; nays, 3.

Yeas:

Messrs:—

Speaker	James	Overton
Acker	Jenkins (Baldwin)	Pharr
Arnold	Jenkins (Bullock)	Pegram
Avery	Johnson (Marshall)	Popwell
Barnard	Jones	Preston
Brewer	Judge	Quinn
Brindley	Knight	Ramsey
Brown (Pike)	Lane	Roberson
Burtor	Lavender	Rylance
Bush	Lawson	Smith
Butt	Letson	Strickland
Chamberlain	Lloyd	Stollenwerck
Cranford	Martin (Calhoun)	Sturdivant
Darden	Martin (Jackson)	Sullivan
Fletcher	Mulkey	Thomas
Fowlkes	McCurdy	Twombly
Gewin	McDonald	Waddell
Greene	McGowen	Walden
Griffith	McLendon	Whatley
Helms	Nicholson	Wheeless
Hood	O'Neill	Wilhite
Horton		

—64

Nays:

Messrs:—

Merrill	Pittman	Williams
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S. 218. To amend section 1761 of the 1907 code of Alabama.

Was read a third time at length and passed.

Yeas, 52; nays, 13.

**Yeas :**

Messrs :—

Speaker	Jenkins (Bullock)	O'Neill
Acker	Johnson (Clarke)	Page
Arnold	Johnson (Elmore)	Pegram
Barnard	Johnson (Marshall)	Pittman
Brindley	Jones	Pitts
Bush	Judge	Popwell
Butt	Kilburn	Preston
Capps	Knight	Quinn
Chamberlain	Lane	Ramsey
Cranford	Lavender	Richeson
Flanagan	Letson	Smith
Fowlkes	Lloyd	Stollenwerck
Gewin	Martin (Calhoun)	Sturdivant
Griffith	Milner	Sullivan
Horton	Mulkey	Thomas
Jackson	McDonald	Waites
James	McGowen	Walker
Jenkins (Baldwin)		

—52

**Nays :**

Messrs :—

Burton	McCurdy	Waddell
Fuquay	Rylance	Whatley
Helms	Strickland	Williams
Hood	Twombly	Wright
Merrill		

—13

S. 197. An act to authorize any city within this state having a population of one hundred thousand or more to construct and maintain, or to cause to be constructed and maintained, either by itself, or jointly with persons or corporations owning or operating railroads, street railroads, factories or manufactories, subways, viaducts or bridges and their approaches over or under and across railroad tracks and contiguous lands within the city limits; to contract with such persons or corporations for the construction and maintenance of such subways, viaducts or bridges and approaches, and for the division of the cost of such con-

struction and maintenance between the city and such persons or corporations; to vacate at grade the parts of the streets or other public highways for the whole width or any portion thereof, over, along, under or across which such subways, viaducts or bridges are constructed, and also to vacate such parts of other streets and public highways in the vicinity of such subways, viaducts or bridges as may be found and declared by the city council or other governing body of such city to be not then in fact open, or if open, not generally used by the public, though dedicated, the opening and use of which may be found and declared by the city council or other governing body to be unnecessary by reason of the construction of such subways, viaducts or bridges, and the vacation of which may be called for by any such contract.

Was taken up.

Mr. Barnard offered the following amendment to the bill:

That no municipality shall have authority to close any street or streets until such municipality shall first submit the matter of the closing of such street or streets to a vote of the people of such municipality, and the majority of the qualified voters of such municipality shall declare in favor of closing such street or streets.

On motion of Mr. Waddell, the amendment offered by Mr. Barnard was laid upon the table.

Mr. O'Neill offered the following amendment to the bill:

"Amend S. 197 by adding after the word "abutting" the following "and contiguous."

On motion of Mr. Pitts, the amendment was laid upon the table.

Mr. O'Neill offered the following amendment to the bill:

Provided suits now pending "in the courts regarding the obstructing of streets, shall not be effected in any way.

On motion of Mr. Waddell, the amendment was laid upon the table.



And the bill,

S. 197. To authorize any city within this State having a population of one hundred thousand or more to construct and maintain, or to cause to be constructed and maintained, either by itself, or jointly with persons or corporations owning or operating railroads, street railroads, factories or manufactories, subways, viaducts or bridges and their approaches over or under and across railroad tracks and contiguous lands within the city limits; to contract with such persons or corporations for the construction and maintenance of such subways, viaducts or bridges and approaches, and for the division of the cost of such construction and maintenance between the city and such persons or corporations; to vacate at grade the parts of the streets or other public highways for the whole width or any portion thereof, over, along, under or across which such subways, viaducts or bridges are constructed, and also to vacate such parts of other streets and public highways in the vicinity of such subways, viaducts or bridges as may be found and declared by the city council or other governing body of such city to be not then in fact open, or if open, not generally used by the public, through dedicated, the opening and use of which may be found and declared by the city council or other governing body to be unnecessary by reason of the construction of such subways, viaducts or bridges, and the vacation of which may be called for by any such contract.

Was read a third time at length and passed.

Yeas, 65; nays, 12.

Yeas:

Messrs:—

Speaker	Brown (Pike)	Eastis
Acker	Bush	Flanagan
Arnold	Butt	Fletcher
Avery	Capps	Fowlkes
Barnard	Chamberlain	Gewin
Bell (Antauga)	Cranford	Greene
Bell (Pickens)	Darden	Griffith

Horton	Lumpkin	Rice
Huddleston	Martin (Calhoun)	Roberson
Jackson	Martin (Jackson)	Sanders
James	Merrill	Smith
Jenkins (Baldwin)	Merritt	Strickland
Jenkins (Bullock)	Milner	Stollenwerck
Johnson (Elmore)	Mulkey	Thomas
Jones	Nicholson	Twombly
Judge	Page	Waddell
Knight	Pharr	Waits
Lane	Pegram	Walden
Lavender	Pittman	Walker
Lawson	Pitts	Whatley
Letson	Preston	Williams
Lloyd	Ramsey	

—65

Nays:

Messrs:—

Brewer	Helms	O'Neill
Brindley	Hood	Popwell
Boswell	McDonald	Pruett
Edmonds	McGowen	Quinn

—12

H. 445. For the regulation and control of Fraternal Benefit societies.

Was read a third time at length and passed.

Yeas, 67; nays, 4.

Yeas:

Messrs:—

Speaker	Cranford	Horton
Acker	Darden	Jackson
Avery	Eastis	James
Barnard	Edmonds	Jenkins (Bullock)
Bell (Autauga)	Fletcher	Johnson (Elmore)
Bell (Pickens)	Fowlkes	Johnson (Marshall)
Brown (Pike)	Fuquay	Jones
Burton	Gewin	Kilburn
Butt	Greene	Knight
Capps	Griffith	Lawson
Chamberlain	Hood	Letson

Lloyd	Popwell	Stollenwerck
Lumpkin	Preston	Sturdivant
Martin (Calhoun)	Pruett	Sullivan
Mathews	Quinn	Thomas
Merritt	Ramsey	Twombly
McDonald	Rice	Waddell
McGowen	Richeson	Waites
Nicholson	Roberson	Walden
O'Neill	Rylance	Walker
Page	Smith	Whatley
Pegram	Strickland	Williams
Pittman		

—67

Nays :

Messrs :—

Arnold	Overton	Wright
Helms		

—4

S. 421. To amend section 9 of an act approved March 9, 1911, entitled "an act to establish a court of appeals for the State of Alabama, and to provide for the transfer of certain causes now pending in the supreme court, to said court of appeals."

Was read a third time at length and passed.

Yeas, 65; nays, 17.

Yeas :

Messrs :—

Speaker	Flanagan	Jones
Acker	Fletcher	Judge
Arnold	Fowlkes	Kilburn
Avery	Gewin	Knight
Barnard	Greene	Lane
Brown (Pike)	Griffith	Lavender
Bush	Hood	Lawson
Butt	Horton	Letson
Chamberlain	Huddleston	Lloyd
Cranford	James	Lumpkin
Darden	Jenkins (Bullock)	Martin (Calhoun)
Eastis	Johnson (Elmore)	Martin (Jackson)
Edmonds	Johnson (Marshall)	Mastin

Milner	Pitts	Stollenwerck
Mulkey	Popwell	Sturdivant
McDonald	Preston	Sullivan
McGowen	Pruett	Twombly
O'Neill	Quin	Waddell
Overton	Rice	Waits
Page	Richeson	Walker
Pharr	Sanders	Wilhite
Pittman	Smith	Wright

—65

Nays:

Messrs:—

Speaker	Capps	Nicholson
Bell (Pickens)	Fuquay	Rylance
Brindley	Jackson	Thomas
Boswell	Mathews	Walden
Brown (Tuscaloosa)	Merrill	Williams
Burton	Merritt	

—17

## PAIRS ANNOUNCED.

Mr. Johnson of Clarke announced that he was paired with Mr. Parks. If Mr. Parks were present he would vote yea and Mr. Johnson would vote nay.

Mr. Strickland announced that he was paired with Mr. Lee. If Mr. Lee were present he would vote yea, and Mr. Strickland would vote nay.

Mr. Pitts moved to reconsider the vote by which the bill H. 431 was passed, and the motion to reconsider was laid upon the table.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bills:

H. 768. To amend section 3 of the act to establish a high school for Dale county to be located at Ozark, Alabama, approved August 9th, 1907.

H. 426. To make the public drinking of intoxicating liquors or beverages on railway cars or street cars or

in a railway waiting room a misdemeanor and to provide the punishment therefor.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

On motion of Mr. Mulkey, the House concurred in and adopted the Senate amendment to the bill, H. 768, said Senate amendment being as follows:

Amend the caption of said bill so as to make it read as follows:

A bill to be entitled an act to amend section 3 of an act approved August 9th, 1907, to establish a high school for Dale county, to be located at Ozark, Alabama.

Further amend by adding immediately before the words "Sec. 3" the following words: "Be it enacted by the Legislature of Alabama."

Further amend by adding immediately after the words "State Superintendent of Education," where they appear in said bill, the words "the county superintendent of education."

Yeas, 64; nays, 0.

Yeas:

Messrs:—

Speaker	Cranford	Helms
Acker	Darden	Hood
Arnold	Dennis	Horton
Avery	Doswell	Huddleston
Barnard	Eastis	Jackson
Brewer	Edmonds	James
Brindley	Flanagan	Jones
Boswell	Fletcher	Judge
Burton	Fowlkes	Lawson
Bush	Fuquay	Letson
Butt	Gewin	Lloyd
Capps	Greene	Lumpkin
Chamberlain	Griffith	Mastin

Mathews	Pruett	Thomas
Merrill	Quinn	Twombly
Mulkey	Ramsey	Waddell
O'Neill	Rice	Waits
Overton	Sanders	Walden
Pharr	Smith	Walker
Pegram	Sturdivant	Wheeless
Pittman	Sullivan	Wright
Pitts		

—64

## SENATE MESSAGE.

On motion of Mr. Butt, the House concurred in and adopted the Senate amendment to the bill, H. 426, said Senate amendment being as follows:

Amend by adding after the words "Section 1" the words "be it enacted by the Legislature of Alabama."

Yeas, 64; nays, 0.

Yeas:

Messrs :—

Speaker	Helms	O'Neill
Acker	Hood	Overton
Arnold	Horton	Page
Avery	James	Pharr
Barnard	Jones	Pegram
Brewer	Judge	Pittman
Brindley	Kilburn	Pitts
Boswell	Knight	Popwell
Burton	Lane	Preston
Bush	Lawler	Pruett
Butt	Lawson	Quinn
Capps	Letson	Ramsey
Chamberlain	Lloyd	Rice
Cranford	Lumpkin	Sanders
Darden	Mastin	Smith
Dennis	Mathews	Thomas
Doswell	Merrill	Twombly
Eastis	Merritt	Waddell
Fuquay	Milner	Waits
Gewin	Molton	Wilhite
Greene	Mulkey	Williams
Griffith		

—64

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 483. To provide that the Capitol building shall be equipped with suitable fire escapes, and to make an ~~appropriation therefor.~~

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message, was read one time and referred to an appropriate standing committee as follows:

Capitol and Grounds, S. 483.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 171. To amend section 3299 of the code of Alabama, published in 1907.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message was read one time and referred to an appropriate standing committee as follows:

Revision of Laws, S. 171.

Mr. Martin of Jackson gave notice that on the next Legislative day he would move to reconsider the vote by which H. 431 was passed.

RECESS.

The hour of 5:30 having arrived, the House recessed until 8 o'clock tonight.

NIGHT SESSION.

The hour of 8 o'clock having arrived, the House reconvened.

REPORT OF CONFERENCE COMMITTEE.

The Conference committee on the disagreement of the two Houses, on the House amendments to S. 238, made the following report:

REPORT OF COMMITTEE ON CONFERENCE ON SENATE BILL  
NUMBER 238.

To the Legislature of Alabama:

The committee on Conference appointed to consider Senate bill 238 and the House amendments thereto in which the Senate refused to concur, reports as follows:

(1) The said committee on Conference unanimously recommends that the House of Representatives do recede from the House amendment which strikes out the words "four thousand dollars," and substitutes therefor the words "three thousand dollars."

(2) The said committee on Conference further unanimously recommends that all House amendments to the said bill, except the amendment which this report recommends that the House recede from, be concurred in and adopted by the Senate.

(3) The said committee further unanimously reports and recommends that this report be adopted by the Senate, and by the House of Representatives, thus



adjusting all differences between the two Houses relative to said bill.

T. M. Stevens, Thos. E. Kilby, W. J. Vaiden, committee on the part of the Senate.

W. J. Martin, E. C. Jackson, J. R. Bell, Committee on the part of the House.

On motion of Mr. Martin of Jackson, the report of the Conference committee on the disagreement of the two Houses, to House amendments to S. 238, were concurred in and adopted.

Yeas, 59; nays, 0.

### Yeas:

Messrs:—

Speaker	Johnson (Clarke)	Popwell
Arnold	Johnson (Marshall)	Preston
Avery	Jones	Pruett
Barnard	Kilburn	Quinn
Bell (Autauga)	Lane	Ramsey
Brewer	Lavender	Rice
Boswell	Lawler	Roberson
Brown (Pike)	Lawson	Rylance
Burton	Letson	Smith
Capps	Lumpkin	Strickland
Chamberlain	Martin (Calhoun)	Stollenwerck
Cranford	Martin (Jackson)	Sturdivant
Eastis	Mathews	Sullivan
Fletcher	Milner	Thomas
Griffith	McDonald	Waits
Helms	McGowen	Whatley
Hood	O'Neill	Wheeless
Horton	Overton	Wilhite
James	Page	Wright
Jenkins (Bullock)	Pegram	

—59

Mr. Fletcher gave notice that on the next legislative day he would call up for passage S. 304.

Mr. Lawler gave notice that on the next legislative day he would call up for passage S. 304.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the report of the Conference committee on the disagreement of the two Houses on the House amendments to:

S. 321. To appropriate the two and three per cent funds now in the treasury of the State to the Mobile and West Alabama Railroad Company, and to the Alabama, Tennessee and Northern Railroad Company.

And has adopted and concurred in the amendments proposed by the Conference committee in its said report, and the Senate has concurred in and adopted the report of the Conference committee on the disagreement of the two Houses on the House amendments to:

S. 238. To provide for the creation of the office of State prison inspector; to prescribe the duties and powers of such office; to provide for the necessary assistants to said inspector; to fix the compensation of such inspector and his assistants; to provide for the construction, the regulation, the management, the maintenance, the operation, the healthfulness, and the sanitation of all county jails, alms-houses, and such town and city prisons as are in towns or cities of ten thousand or more population according to the last Federal census, under the supervision of said inspector, and to prescribe the duties of the various public officials with respect thereto, and to provide punishment for violations of this act.

And has concurred in and adopted such of the House amendments as the said committee recommended should be concurred in and those amendments not so recommended are receded from.

J. A. Kyle,  
Secretary.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 432. To amend section 3232 of the code of Alabama.

H. 736. To require the court of county commissioners of Crenshaw county to appropriate funds for the purchase of blood hounds for the use of said county; to provide a place for the keeping of said blood hounds and to provide for their maintainance.

H. 152. For the relief of Simon Marx, of Tuskegee, Macon county, who has heretofore purchased and now owns a large number of the certificates of State witnesses in cases where parties were indicted by the grand jury but who have not yet been arrested, by making such certificates lawful claims against the fine and forfeiture fund of Macon county, Alabama, providing for the payment of such claims and for the disposition of money thereafter collected on account of such certificates, and to repeal all laws and parts of laws in conflict with this act in so far as the payment of said certificates are concerned.

H. 24. To provide for civil service regulations for the officers and members of the police department of the cities in the State of Alabama having twenty-five thousand or more population and to regulate and to prescribe the tenure and terms of office of said officers, and members employed in said police department of said cities.

H. 404. To provide for the acquirement or establishment of highways in cities having a population of more than one hundred thousand people according to the last federal census or according to any subsequent federal census, under certain conditions and agreements and to provide for the improvement of such highways.

H. 776. To repeal an act to prohibit and punish unlawfully and knowingly permitting live stock to run at large in stock law districts or territory in which such stock are prohibited to run at large, approved August 19th, 1909, so far as it relates to Sumter county.

H. 697. To provide for the further protection of fish and to prevent the taking or catching of fish except with hook and line or with spear, cast net or gig in any lake, river, creek, stream, lagoon or bayou in Baldwin county, Alabama, except that portion of said county which lies south of the northern boundary line of town-

ship 8 south and west of the western boundary line of range 4 east, and Weeks Bay and that portion of streams emptying into Weeks Bay one mile from the mouth thereof, and except Bon Secour Bay and the streams emptying into Bon Secour Bay two miles from the mouth thereof, and except Bon Secour River below Childress' Store; and to provide penalties for the violation of this act.

H. 714. To allow the constable in beat 13, of Walker county, Alabama, to appoint deputies.

H. 331. For the relief of Mrs. Mary Sasser, widow of J. J. Sasser, an ex-Confederate soldier who was a pensioner of the State of Alabama, Chambers County, numbered 3286 and died March 23rd, 1909, in accordance with an Act approved February 10th, 1899, for the relief of needy Confederate soldiers and sailors residents of Alabama and their widows, requiring the State Auditor to draw his warrant on the State Treasurer payable to Mrs. Mary Sasser for the various amounts to be disbursed quarterly to pensioners of the fourth class and also requiring the Judge of Probate to place her name on the pension roll of pensioners of Chambers County.

H. 358. To provide for the further maintenance and support of the State normal school for colored students at Montgomery, Alabama.

H. 371. To amend section 3229 of the code of Alabama.

H. 435. To authorize common carriers in this State to sell unclaimed articles of freight.

H. 291. For the preservation, protection, development and improvement of the oyster reefs and beds in the waters of Alabama; for the preservation, protection, development, encouragement and improvement of the oyster, shrimp, terrapin, turtle and other sea food products industry in the State of Alabama; to provide for the establishment of a board of commissioner, to prescribe their powers and duties, to provide for their compensation, to establish, locate and provide for the furnishing of its office; to regulate the manner and time of taking and catching

oysters, shrimp, terrapin, turtle and other sea food products from the public waters and private bedding grounds of the State; to prescribe and regulate the measure of oysters bought and sold in the shell; to prescribe license fees for boats engaged in taking and catching oysters, shrimp, terrapin, turtle and other sea food products; to fix and prescribe a tax upon oysters, shrimp, terrapin, turtle and other sea food products, canned, packed, shipped or sold raw or cooked; to provide for the officers, employees and agents of the commission, to prescribe their duties and powers and fix their compensation; to provide for the protection and patrol of the oyster grounds and public waters of the State; to provide for the leasing of water bottoms owned by the State; to fix penalties for the violation of the provisions of this act; to create a fund for monies arising under the provisions of this act for the purpose of defraying the expenses of the commission; to provide for obtaining twenty-five per cent of the shells produced by canning factories in the State, and generally to regulate and control the oyster, shrimp, terrapin, turtle, and other sea food products industry in the State and all matters connected therewith; to fix and prescribe a tax upon canning factories; and to fix and prescribe a privilege or business license or tax on all dealers in oysters, shrimp, terrapin, turtle and other sea food products and to provide for reports to be made to the commission by agent or representatives of transportation and express companies, and by all persons taking, catching or selling oysters, shrimp, terrapin, turtle and other sea food products.

H. 539. To fix the salary of the judge of the fifteenth judicial circuit of the State of Alabama at the sum of four thousand dollars per annum, and to provide for the payment of as much thereof out of the State treasury as shall be paid to other circuit judges of the State of Alabama and for the payment of the remainder thereof out of the treasury of Montgomery county.

H. 238. To create and establish a reform school for the training of juvenile negro law-breakers at Mount Meigs, Alabama; to make appropriations for the pur-

pose and accept by donation all such lands and buildings as are needful therefor; to create a board of trustees and to provide for the suitable management of said institution.

H. 321. To amend an act entitled an act "To create the office of assistant solicitor for the county of Montgomery, Alabama, in lieu of the present office of deputy solicitor for said county, prescribing his duties, fixing his salary and providing for the method of selection for said office." so as to read as follows.

H. 789. To repeal an act approved on January 30th, 1891, to reduce the fees of the probate judge of Lamar county in certain cases.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

#### BILLS ON THIRD READING.

S. 112. To encourage the holding of the State, district and county fairs in Alabama by appropriating funds for payment of premiums for exhibits of agricultural products, live stock and poultry, and to provide a plan for awarding premiums and paying of the same by the State of Alabama, for the exhibit of agricultural products, live stock and poultry produced, raised or bred in the State of Alabama.

Was taken up.

Mr. Merritt offered the following amendment to the bill:

Amend said bill by adding the following section:

Sec. 9. The amendment appropriated by this bill shall be equally divided or allotted among all of the fairs of the State complying with the provisions of this bill."

Mr. Judge moved to table the amendment and the motion to table was lost.

Yeas, 33; nays, 44.

## Yeas:

## Messrs:—

Arnold	Greene	McDonald
Barnard	Griffith	O'Neill
Bell (Autauga)	Horton	Overton
Brewer	Jenkins (Baldwin)	Pharr
Brown (Pike)	Judge	Pitts
Bush	Laue	Rice
Butt	Lavender	Smith
Chamberlain	Letson	Stollenwerck
Cranford	Martin (Jackson)	Sullivan
Eastis	Milner	Twombly
Fletcher	McCurdy	Walden

—33

## Nays:

## Messrs:—

Acker	James	Pruett
Avery	Jenkins (Bullock)	Quinn
Bell (Pickens)	Johnson (Clarke)	Ramsey
Brindley	Johnson (Marshall)	Richeson
Boswell	Jones	Roberson
Brown (Tuscaloosa)	Kilburn	Rylance
Burton	Lawson	Sanders
Capps	Martin (Calhoun)	Strickland
Darden	Mastin	Sturdivant
Edmonds	Mathews	Thomas
Fuquay	Merrill	Waddell
Helms	Merritt	Willhite
Hood	McGowen	Williams
Huddleston	Page	Wright
Jackson	Popwell	

—44

And the amendment offered by Mr. Merritt was adopted.

Yeas, 54; nays, 13.

## Yeas:

## Messrs:—

Speaker	Avery	Beil (Pickens)
Acker	Barnard	Brewer
Arnold	Bell (Autauga)	Brindley

Boswell	James	Page
Brown (Pike)	Jenkins (Bullock)	Pharr
Brown (Tuscaloosa)	Johnson (Clarke)	Pegram
Burton	Johnson (Marshall)	Pitts
Bush	Jones	Preston
Darden	Kilburn	Pruett
Eastis	Lawson	Ramsey
Edmonds	Letson	Roberson
Fletcher	Martin (Calhoun)	Rylance
Greene	Martin (Jackson)	Sanders
Griffith	Mastin	Smith
Helms	Mathews	Strickland
Hood	Merritt	Sturdivant
Huddleston	Mulkey	Waddell
Jackson	McGowen	Williams

—54

## Nays:

## Messrs:—

Butt	Lane	Overton
Chamberlain	Milner	Stollenwerck
Cranford	McCurdy	Sullivan
Horton	McDonald	Twombly
Judge		

—13

Mr. Almon (Mr. Sullivan presiding), moved that the further consideration of the bill be postponed until the next legislative day.

Mr. Page moved to table the motion of Mr. Almon, and the motion to table prevailed.

Mr. Page moved to table the bill and amendment, and the motion to table was lost.

And the bill:

S. 112. To encourage the holding of the State, district and county fairs in Alabama by appropriating funds for payment of premiums for exhibits of agricultural products, live stock and poultry, and to provide a plan of awarding premiums and paying of the same by the State of Alabama, for the exhibit of agricultural products, live stock and poultry produced, raised or bred in the State of Alabama.



As amended, was read a third time, at length and passed.

Yeas, 40; nays, 36.

**Yeas:**

Messrs:—

Speaker	Horton	McDonald
Arnold	James	Overton
Barnard	Judge	Pharr
Bell (Autauga)	Kilburn	Pegram
Brewer	Lane	Pitts
Brown (Pike)	Lavender	Ramsey
Brown (Tuscaloosa)	Lawler	Rice
Bush	Lawson	Roberson
Butt	Letson	Rylance
Chamberlain	Lumpkin	Sanders
Cranford	Martin (Calhoun)	Sullivan
Eastis	Milner	Walden
Fletcher	McCurdy	Wilhite
Griffith		

—40

**Nays:**

Messrs:—

Acker	Jenkins (Bullock)	Popwell
Avery	Johnson (Clarke)	Preston
Bell (Pickens)	Johnson (Marshall)	Pruett
Burton	Jones	Quinn
Capps	Mastin	Richeson
Darden	Mathews	Strickland
Fuquay	Merrill	Stollenwerck
Helms	Merritt	Sturdivant
Hood	Mulkey	Thomas
Huddleston	McGowen	Waddell
Jackson	O'Neill	Williams
Jenkins (Baldwin)	Page	Wright

—36

MESSAGE FROM THE SENATE.

**Mr. Speaker:**

The President and presiding officer of the Senate having signed the folowing Senate bill:

S. 321. An act to appropriate the two and three per cent funds now in the treasury of the State to the Mobile and West Alabama Railroad Company, and to the Alabama, Tennessee and Northern Railroad Company, and to the Montgomery and Chattanooga Railroad Company.

Your signature thereto is requested.

J. A. Kyle,  
Secretary.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bill the title to which is set out in the above and foregoing message from the Senate.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The President and presiding officer of the Senate having signed the following Senate bills:

S. 197. An act to authorize any city within this state having a population of one hundred thousand or more to construct and maintain, or to cause to be constructed and maintained, either by itself, or jointly with persons or corporations owning or operating railroads, street railroads, factories or manufactories, subways, viaducts or bridges and their approaches over or under and across railroad tracks and contiguous lands within the city limits; to contract with such persons or corporations for the construction and maintenance of such subways, viaducts or bridges and approaches, and for the division of the cost of such construction and maintenance between the city and such persons or corporations; to vacate at grade the parts of the streets or other public highways for the whole width or any portion thereof, over, along, under or across which such subways, viaducts or bridges are constructed, and also to vacate such parts of other streets and public highways in the vicinity of such subways, via-

ducts or bridges as may be found and declared by the city council or other governing body of such city to be not then in fact open, or if open, not generally used by the public, though dedicated, the opening and use of which may be found and declared by the city council or other governing body to be unnecessary by reason of the construction of such subways, viaducts or bridges, and the vacation of which may be called for by any such contract.

S. 421. An act to amend section 9 of an act approved March 9, 1911, entitled "an act to establish a court of appeals for the State of Alabama, and to provide for the transfer of certain causes now pending in the supreme court, to said court of appeals."

S. 276. An act to appropriate ten thousand dollars for the purpose of constructing and equipping a dormitory and constructing or improving other school and farm buildings for the seventh district agricultural school and experiment station at Albertville, Alabama.

S. 161. An act to amend subdivision 7 of section 1678, article 1, chapter 41, of the code of 1907.

Your signature thereto is requested.

J. A. Kyle,  
Secretary.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing message from the Senate.

#### REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

The committee on Enrolled Bills have examined the following House bills:

H. 731. To amend section 3229 of the code of Alabama.

H. 358. To provide for the further maintenance and support of the State normal school for colored students at Montgomery, Alabama.

H. 432. To amend section 3232 of the code of Alabama.

H. 736. To require the court of county commissioners of Crenshaw county to appropriate funds for the purchase of blood hounds for the use of said county; to provide a place for the keeping of said blood hounds and to provide for their maintenance.

And find same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled Bills:

#### BILLS ON THIRD READING.

H. 624. To amend section 1334 of the political code of the State of Alabama.

Was read a third time at length and passed.

Yeas, 58; nays, 0.

Yeas:

Messrs:—

Speaker	Burton	Edmonds
Acker	Bush	Flanagan
Arnold	Butt	Greene
Avery	Capps	Griffith
Barnard	Chamberlain	Horton
Bell (Autauga)	Cranford	Huddleston
Brindley	Darden	Jackson
Brown (Pike)	Eastis	Johnson (Clarke)

# 2444 JOURNAL HOUSE REPRESENTATIVES, 1911.

Johnson (Marshall)	O'Neill	Rylance
Jones	Overton	Sanders
Judge	Pharr	Smith
Lawson	Pegram	Strickland
Letson	Pitts	Stollenwerck
Lumpkin	Popwell	Sullivan
Martin (Calhoun)	Preston	Thomas
Milner	Pruett	Twombly
Mulkey	Quinn	Walden
McCurdy	Ramsey	Willhite
McDonald	Richeson	Wright
McGowen		

—58

H. 774. To create and establish the Andalusia city court of law and equity for Covington county.

Was read a third time at length and passed.

Yeas, 36; nays, 18.

Yeas:

Messrs:—

Acker	James	Overton
Arnold	Jones	Pegram
Barnard	Judge	Pitts
Bell (Pickens)	Kilburn	Pruett
Brown (Pike)	Lavender	Quinn
Butt	Lawson	Ramsey
Darden	Martin (Calhoun)	Smith
Eastis	Martin (Jackson)	Stollenwerck
Fletcher	Merritt	Sturdivant
Greene	Mulkey	Twombly
Griffith	McDonald	Waddell
Jackson	O'Neill	

—36

Nays:

Messrs:—

Speaker	Edmonds	Milner
Brindley	Helms	Richeson
Boswell	Hood	Strickland
Burton	Johnson (Clarke)	Thomas
Capps	Letson	Walden
Cranford	Mathews	Wright

—18

H. 601. To regulate the nomination of the judges of the supreme court of Alabama, judges of the court of appeals, supernumerary judges, judges of the circuit courts and chancellors, by recognized political parties of the State of Alabama.

Was taken up.

Mr. Mulkey offered the following amendment to the bill:

Amend by adding section 3½ as follows:

Section 3½. No nomination for any office, other than that of judicial offices shall be made at any convention, or other mode of nomination, held for the purpose of nominating judges, and no judge herein named shall be nominated at any convention other than judicial.

And the amendment was adopted.

Yeas, 55; nays, 2.

Yeas:

Messrs:—

Speaker	Jenkins (Bullock)	O'Neill
Acker	Johnson (Clarke)	Overton
Arnold	Johnson (Marshall)	Pharr
Barnard	Jones	Pegram
Bell (Autauga)	Judge	Pitts
Boswell	Kilburn	Preston
Brown (Pike)	Lane	Pruett
Butt	Lavender	Quin
Capps	Lawler	Richeson
Chamberlain	Lawson	Smith
Cranford	Letson	Strickland
Darden	Martin (Calhoun)	Stollenwerck
Edmonds	Martin (Jackson)	Sturdivant
Flanagan	Mulkey	Twombly
Fletcher	McCurdy	Walker
Helms	McDonald	Whitley
Hood	McGowen	Wheless
Jackson	Nicholson	Williams
James		

—55

Nays:

Messrs:—

Burton Merrill

—2

And the bill:

H. 601. To regulate the nomination of the judges of the supreme court of Alabama, judges of the court of appeals, supernumerary judges, judges of the circuit courts and chancellors, by recognized political parties of the State of Alabama.

~~As amended, was on motion of Mr. Smith laid upon the table.~~

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

S. J. R. 137. Be it resolved by the Senate, the House concurring, that when the two houses adjourn today, they stand adjourned until Tuesday, April 11th, 1911.

And sends same herewith to the House.

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

The House concurred in and adopted the Senate joint resolution which is set out in the above and foregoing message from the Senate.

S. 431. To regulate the fees of the sheriffs for feeding prisoners in jail under charge or conviction of any indictable offense, and to provide the payment therefor.

Was read a third time at length and passed.

Yeas, 61; nays, 11.

Yeas:

Messrs:—

Speaker	Brown (Pike)	Eastis
Acker	Bush	Edmonds
Arnold	Butt	Flanagan
Barnard	Chamberlain	Fletcher
Bell (Autauga)	Cranford	Gewin
Bell (Pickens)	Darden	Greene

Huddleston	Lumpkin	Pitts
Jackson	Martin (Calhoun)	Popwell
James	Mastin	Pruett
Jenkins (Bullock)	Merritt	Quinn
Johnson (Clarke)	Milner	Rice
Johnson (Marshall)	Mulkey	Rylance
Jones	McCurdy	Sanders
Judg.	McDonald	Strickland
Kilburn	McGowen	Sturdivant
Knight	O'Neill	Sullivan
Lane	Overton	Thomas
Lavender	Page	Twombly
Lawler	Pharr	Waddell
Lawson	Pegram	Williams
Lloyd		

—61

## Nays:

Messrs:—

Brindley	Horton	Strickland
Brown (Tuscaloosa)	Letson	Walden
Burton	Merrill	Wright
Capps	Rice	

—11

## MESSAGE FROM THE SENATE.

## Mr. Speaker:

The President and presiding officer of the Senate having signed the following Senate bills:

S. 238. An act to provide for the creation of the office of State prison inspector; to prescribe the duties and powers of such office; to provide for the necessary assistants to said Inspector; to fix the compensation of such Inspector and his assistants; to provide for the construction, the regulation, the management, the maintenance, the operation, the healthfulness, and the sanitation of all county jails, alms-houses, and such town and city prisons as are in towns or cities of ten thousand or more population according to the last Federal Census, under the supervision of said inspector; and to prescribe the duties of the various public officials with respect thereto, and to provide punishment for violations of this act.



S. 432. An act to provide for the better equipment of the normal school at Moundville, Alabama, Hale county, and make an appropriation therefor.

S. 218. An act to amend section 1761 of the 1907 code of Alabama.

And also: S. J. R. 43; S. J. R. 37; S. J. R. 29; S. J. R. 8; S. J. R. 13.

~~Your signature thereto is requested.~~

J. A. Kyle,  
Secretary.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing message from the Senate, also Senate joint resolutions.

#### BILLS ON THIRD READING.

H. 627. To appropriate the sum of \$375.00 to be paid to Mrs. Mary C. Venable as compensation for services as a teacher in the public schools of Talladega county, Alabama, from January 1st, 1868, to July 1st, 1868, which said sum has never been paid to her.

Was read a third time at length and passed.

Yeas, 49; nays, 5.

Yeas:

Messrs:—

Speaker	Chamberlain	Jackson
Acker	Edmonds	James
Barnard	Greene	Jones
Bell (Autauga)	Griffith	Judge
Bell (Pickens)	Helms	Knight
Brewer	Hollis (Choctaw)	Lane
Brindley	Horton	Lawson
Bush	Huddleston	Letson

Lumpkin	O'Neill	Rylance
Martin (Calhoun)	Overton	Sanders
Martin (Jackson)	Pegram	Smith
Mathews	Pitts	Stollenwerck
Milner	Popwell	Sullivan
Mulkey	Quin	Waites
McDonald	Ramsey	Walden
McGowen	Richeson	Walker
Nicholson		

—49

Nays:

Messrs:—

Capps	Fuquay	Wright
Eastis	Merrill	

—5

H. 788. For the relief of R. L. Bradley, judge of probate, of Lamar county, State of Alabama.

Was read a third time at length and passed.

Yeas, 60; nays, 1.

Yeas:

Messrs:—

Speaker	Horton	Overton
Acker	Jackson	Pharr
Arnold	James	Pegram
Barnard	Jenkins (Bullock)	Pittman
Bell (Autauga)	Johnson (Clarke)	Pitts
Brewer	Johnson (Marshall)	Popwell
Brindley	Jones	Pruett
Brown (Tuscaloosa)	Judge	Quin
Bush	Knight	Rice
Butt	Lane	Richeson
Capps	Lavender	Rylance
Chamberlain	Letson	Smith
Cranford	Lumpkin	Stollenwerck
Darden	Mastin	Sturdivant
Eastis	Milner	Sullivan
Edmonds	Mulkey	Thomas
Fletcher	McDonald	Twombly
Greene	McGowen	Walden
Helms	Nicholson	Williams
Hood	O'Neill	Wright

—60

Nays:

Mr. Huddleston

—1

H. 580. To amend section 707 of the code.  
Was read a third time at length and passed.  
Yeas, 55; nays, 2.

Yeas:

Messrs:—

<del>Speaker</del>	<del>Horton</del>	<del>McDonald</del>
Acker	James	Nicholson
Barnard	Jenkins (Baldwin)	Overton
Brindley	Jenkins (Bullock)	Page
Boswell	Johnson (Clarke)	Pharr
Brown (Pike)	Johnson (Marshall)	Pegram
Barton	Jones	Pitts
Bush	Kilburn	Ramsey
Butt	Lane	Richeson
Capps	Lawler	Rylance
Chamberlain	Letson	Smith
Darden	Lumpkin	Strickland
Edmonds	Martin (Calhorn)	Stollenwerck
Flanagan	Martin (Jackson)	Sturdivant
Fuquay	Mathews	Sullivan
Greene	Merritt	Thomas
Griffith	Milner	Twombly
Helms	Mulkey	Walden
Hood		

—55

Nays:

Messrs:—

Arnold                      Quin

—2

S. 64. To provide for the better equipment and support of the University of Alabama, and to appropriate funds therefor.

Was taken up.

Mr. Richeson offered the following amendment to the bill:

"Amend bill by striking out fifty thousand (\$50,000.00) dollars wherever it occurs in bill and substituting therefor forty thousand (\$40,000.00) dollars; and strike out twenty-five thousand (\$25,000.00) dollars wherever it occurs and substituting therefor twenty thousand (\$20,000.00) dollars.

On motion of Mr. Chamberlain the amendment was laid upon the table.

Mr. Rice offered the following amendment to the bill:

Amend the bill by adding section 4½ to read as follows:

Section 4½. That the sums hereby appropriated shall be payable on the approval of the governor, in whole or in part from time to time, as in his opinion the condition of the treasury may warrant.

And the amendment was adopted.

Yeas, 63; nays, 0.

Yeas:

Messrs:—

Speaker	Horton	McGowen
Acker	Huddleston	Nicholson
Arnold	Jackson	O'Neill
Barnard	James	Overton
Bell (Autauga)	Jenkins (Baldwin)	Page
Bell (Pickens)	Johnson (Clarke)	Pharr
Brewer	Johnson (Marshall)	Pitts
Brindley	Jones	Popwell
Boswell	Judge	Pruett
Brown (Pike)	Lane	Quin
Brown (Tuscaloosa)	Letson	Rice
Bush	Lavender	Roberson
Butt	Lumpkin	Rylance
Capps	Martin (Calhoun)	Smith
Chamberlain	Martin (Jackson)	Strickland
Darden	Mastin	Stollenwerck
Dennis	Mathews	Sturdivant
Fletcher	Merrill	Sullivan
Fuquay	Milner	Thomas
Greene	Mulkey	Waddell
Griffith	McDonald	Walden

—63

And the bill:

S. 64. To provide for the better equipment and support of the University of Alabama, and to appropriate funds therefor.

As amended was read a third time at length and passed.

Yeas, 59; nays, 0.

Yeas:

Messrs :—

Speaker	Huddleston	Page
<del>Acheson</del>	<del>Jackson</del>	<del>Pharr</del>
Arnold	James	Pegram
Barnard	Jenkins (Bullock)	Pitts
Bell (Autauga)	Johnson (Marshall)	Popwell
Bell (Pickens)	Jones	Pruett
Brindley	Judge	Quinn
Crown (Pike)	Lane	Rice
Brown (Tuscaloosa)	Lawson	Roberson
Bush	Letson	Rylance
Butt	Lumpkin	Sanders
Capps	Martin (Calhoun)	Smith
Chamberlain	Martin (Jackson)	Strickland
Cranford	Mastin	Stollenwerck
Darden	Merrill	Sturdivant
Gewin	McCurdy	Sullivan
Greene	McDonald	Thomas
Griffith	McGowen	Waddell
Helms	O'Neill	Wilhite
Horton	Overton	

—59

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 487. To amend section 7803 of the code of Alabama.

And sends same herewith to the House without engrossment.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message was read one time and referred to an appropriate standing committee as follows:

Revision of Laws, S. 487.

## BILLS ON THIRD READING.

H. 480. To amend an act to amend section 1650 of the code of 1907, approved August 26th, 1909.

Was read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:—

Speaker	Jenkins (Bullock)	Nicholson
Acker	Johnson (Clarke)	O'Neill
Arnold	Johnson (Marshall)	Overton
Barnard	Jones	Page
Bell (Autauga)	Judge	Pharr
Brewer	Lane	Pegram
Brindley	Lavender	Pittman
Brown (Pike)	Lawler	Popwell
Brown (Tuscaloosa)	Letson	Pruett
Bush	Lloyd	Quinn
Butt	Lumpkin	Rice
Capps	Martin (Calhoun)	Richeson
Chamberlain	Martin (Jackson)	Roberson
Darden	Mastin	Rylance
Eastis	Merrill	Smith
Fletcher	Merritt	Strickland
Greene	Milner	Stollenwerck
Griffith	Mulkey	Sturdivant
Horton	McCurdy	Sullivan
Huddleston	McDonald	Whatley
Jackson	McGowen	Wright
Jenkins (Baldwin)	McLendon	

H. 723. To fix the times and places of holding the chancery courts in the northeastern chancery division of Alabama.

Was read a third time at length and passed.

Yeas, 63; nays, 0.

Yeas:

Messrs:—

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Speaker	Griffith	Merritt
Acker	Hood	Milner
Arnold	Horton	McCurdy
Avery	Huddleston	McDonald
Barnard	Jackson	McGowen
Bell (Autauga)	James	O'Neill
Brindley	Jenkins (Bullock)	Overton
Boswell	Johnson (Clarke)	Page
Brown (Pike)	Johnson (Marshall)	Pharr
Brown (Tuscaloosa)	Jones	Pegram
Bush	Judge	Popwell
Butt	Lane	Pruett
Capps	Lawler	Quinn
Cranford	Lawson	Richeson
Darden	Letson	Roberson
Eastis	Lloyd	Smith
Edmonds	Lumpkin	Strickland
Fletcher	Martin (Calhoun)	Stollenwerck
Fuquay	Martin (Jackson)	Sullivan
Gewin	Mathews	Walden
Greene	Merrill	Whatley

—63

S. 75. To aid and encourage technical education in the State of Alabama, by providing increased facilities, buildings and maintenance for the Alabama Polytechnic Institute.

Was taken up.

Mr. Jackson offered the following amendment to the bill:

Amend the bill by adding section 4 to read as follows:

Sec. 4. That the sums hereby appropriated shall be payable on the approval of the governor, in whole or in part from time to time as in his opinion the condition of the treasury may warrant.

And the amendment was adopted.

Yeas, 67; nays, 0.

Yeas:

Messrs:—

Speaker	Hood	Mulkey
Acker	Horton	McCurdy
Arnold	Huddleston	McDonald
Avery	Jackson	McGowen
Barnard	James	Overton
Bell (Autauga)	Jenkins (Bullock)	Page
Brindley	Johnson (Clarke)	Pharr
Boswell	Johnson (Marshall)	Pegram
Brown (Plke)	Jones	Pitts
Brown (Tuscaloosa)	Judge	Popwell
Burton	Knight	Preston
Bush	Lane	Pruett
Butt	Lawler	Quinn
Chamberlain	Lawson	Ramsey
Darden	Letson	Richeson
Dennis	Lumpkin	Roberson
Eastis	Martin (Calhoun)	Rylance
Fletcher	Martin (Jackson)	Smith
Fuquay	Mastin	Stollenwerck
Gewin	Merrill	Thomas
Greene	Merritt	Whatley
Griffith	Milner	Wright
Helms		

—67

Mr. Richeson offered the following amendment to the bill:

Amend bill by striking out "forty thousand (\$40,000.00) dollars" wherever it occurs in the bill and substituting therefor "thirty-two thousand (\$32,000.00) dollars"; and strike out "ten thousand (\$10,000.00) dollars" wherever it occurs in bill and substitute therefor "eight thousand (\$8,000.00) dollars."

On motion of Mr. Bush the amendment was laid up on the table.



And the bill:

S. 75. To aid and encourage technical education in the State of Alabama, by providing increased facilities, buildings and maintenance for the Alabama Polytechnic Institute.

As amended was read a third time at length and passed.

Yeas, 54; nays, 0.

Yeas:

Messrs:—

Speaker	Jackson	Overton
Acker	James	Page
Arnold	Jenkins (Bullock)	Pharr
Barnard	Johnson (Elmore)	Pegram
Bell (Autauga)	Johnson (Marshall)	Pltts
Bell (Pickens)	Jones	Preston
Brindley	Judge	Pruett
Brown (Pike)	Lane	Quinn
Brown (Tuscaloosa)	Lawson	Roberson
Bush	Letson	Rylance
Butt	Lumpkin	Smith
Capps	Martin (Calhoun)	Strickland
Chamberlain	Martin (Jackson)	Stollenwerck
Darden	Mastin	Sturdivant
Eastis	Mathews	Sullivan
Fuquay	Merrill	Thomas
Greene	Merritt	Waddell
Griffith	McDonald	Walker

—54

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The President and presiding officer of the Senate having signed the following Senate bills:

S. 463. An act to provide for the better equipment of the normal school at Daphne, Alabama, Baldwin county, and to make an appropriation therefor.

S. 431. An act to regulate the fees of the sheriffs for feeding prisoners in jail under charge or conviction

of an indictable offense, and to provide the payment therefor.

Your signature thereto is requested.

J. A. Kyle,  
Secretary.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing message from the Senate.

#### BILLS ON THIRD READING.

S. 190. To provide for the building and furnishing of class rooms, laboratories, student work shops, gymnasium, assembly hall, hospital, dormitory and other buildings and improvement for the Alabama girls' technical institute at Montevallo.

Was taken up.

Mr. Pitts offered the following amendment to the bill:

Amend the bill by adding section 4 to read as follows:

Sec. 4. That the sums hereby appropriated shall be payable on the approval of the governor in whole or in part, from time to time as in his opinion the condition of the treasury may wararnt.

And the amendment was adopted.

Yeas, 58; nays, 1.

Yeas:

Messrs:—

Speaker	Bell (Antauga)	Brown (Tuscaloosa)
Acker	Bell (Pickens)	Bush
Arnold	Brindley	Butt
Barnard	Brown (Pike)	Capps

Chamberlain	Lane	Pegram
Darden	Lavender	Pitts
Eastis	Letson	Popwell
Edmonds	Lumpkin	Pruett
Gewin	Martin (Calhoun)	Quinn
Greene	Martin (Jackson)	Rice
Horton	Mastin	Roberson
<del>Jackson</del>	<del>Merritt</del>	<del>Rylander</del>
James	Mulkey	Smith
Jenkins (Baldwin)	McDonald	Strickland
Jenkins (Bullock)	Nicholson	Stollenwerck
Johnson (Clarke)	O'Neill	Sturdivant
Johnson (Marshall)	Overton	Sullivan
Jones	Page	Thomas
Judge	Pharr	Waddell
Knight		

—58

Nays:

Mr. Sanders.

—1

And the bill:

S. 190. To provide for the building and furnishing of class rooms, laboratories, student work shops, gymnasium, assembly hall, hospital, dormitory and other buildings and improvement for the Alabama girls' technical institute at Montevallo.

As amended was read a third time at length and passed.

Yeas, 56; nays, 1.

Yeas:

Messrs:—

Speaker	Brown (Tuscaloosa)	Greene
Acker	Bush	Griffith
Arnold	Butt	Horton
Barnard	Capps	Jackson
Bell (Autauga)	Chamberlain	James
Bell (Pickens)	Darden	Jenkins (Baldwin)
Brewer	Eastis	Jenkins (Bullock)
Brindley	Fletcher	Johnson (Clarke)
Brown (Pike)	Fuquay	Johnson (Marshall)

Jones	McGowen	Roberson
Judge	O'Neill	Rylance
Lane	Overton	Smith
Lavender	Page	Strickland
Letson	Pegram	Stollenwerck
Lumpkin	Pitts	Sturdivant
Martin (Calhoun)	Popwell	Sullivan
Mathews	Pruett	Thomas
Merritt	Quinn	Waddell
McDonald	Rice	

—56

Nays:

Mr. Sanders.

—1

H. 36. For the relief of the officers and enlisted men of "M" company, 2nd regiment, Alabama national guard, who served time at camp of instructions, held at Chicamauga Park, Georgia, from July 21, 1910, to July 31, 1910, inclusive.

Was read a third time at length and passed.

Yas, 57; nays, 7.

Yeas:

Messrs:—

Speaker	Fletcher	Lumpkin
Acker	Greene	Martin (Calhoun)
Arnold	Griffith	Martin (Jackson)
Barnard	Horton	Mastin
Bell (Autauga)	Huddleston	Mathews
Brewer	Jackson	Merrill
Brown (Pike)	James	Milner
Brown (Tuscaloosa)	Johnson (Clarke)	Molton
Bush	Jones	McDonald
Butt	Judge	McGowen
Capps	Knight	O'Neill
Chamberlain	Lane	Overton
Cranford	Lavender	Page
Darden	Lawson	Pharr
Eastis	Letson	Pegram
Edmonds	Lloyd	Popwell

Pruett	Smith	Sullivan
Rice	Strickland	Waddell
Roberson	Stollenwerck	Walden

—57

Nays:

Messrs:—

Fuquay	Johnson (Marshall)	Richeson
Jenkins (Baldwin)	Quinn	Sanders
Jenkins (Bullock)		

—7

H. 722. To make an appropriation to be expended by the Horseshoe Bend battle anniversary commission for the appropriate celebration of the one hundredth anniversary of the battle of Horseshoe Bend in 1914, the care of the monument erected in commemoration of said battle and the grounds on which the same may be erected and for other purposes.

Was taken up.

Mr. Rylance offered the following amendment to the bill:

Amend by striking out the words "\$5,000" wherever they appear therein in section 1 and inserting in lieu thereof the following: "\$2,500."

Also amend by adding at the end of section 1 the following: "Provided that this appropriation shall not be available until in the judgment of the governor the condition of the treasury will permit of the expenditure."

And the amendment was adopted.

Yeas. 56; nays, 1.

Yeas:

Messrs:—

Speaker	Bush	Gewin
Acker	Butt	Greene
Barnard	Capps	Griffith
Bell (Autauga)	Chamberlain	Horton
Bell (Pickens)	Darden	Huddleston
Brindley	Edmonds	Jackson
Brown (Pike)	Fletcher	James
Brown (Tuscaloosa)	Fuquay	Jenkins (Baldwin)

Jenkins (Bullock)	Mastin	Pitts
Johnson (Clarke)	Merritt	Popwell
Judge	Milner	Quinn
Knight	McCurdy	Richeson
Lane	McDonald	Roberson
Lavender	McGowen	Rylance
Letson	O'Neill	Strickland
Lloyd	Overton	Stollenwerck
Lumpkin	Page	Sullivan
Martin (Calhoun)	Pharr	Wright
Martin (Jackson)	Pegram	

—56

Nays:

Mr. Sanders.

—1

And the bill:

H. 722. To make an appropriation to be expended by the Horseshoe Bend Battle Anniversary Commission for the appropriate celebration of the one hundredth anniversary of the battle of Horseshoe Bend in 1914, the care of the monument erected in commemoration of said battle, and the grounds on which the same may be erected and for other purposes.

As amended was read a third time at length and passed.

Yeas, 46; nays, 16.

Yeas:

Messrs:—

Speaker	Cranford	Lavender
Acker	Fuquay	Letson
Arnold	Gewin	Lloyd
Avery	Greene	Martin (Calhoun)
Barnard	Griffith	Martin (Jackson)
Brewer	Horton	Mastin
Brown (Pike)	Huddleston	Milner
Brown (Tuscaloosa)	James	McCurdy
Burton	Jenkins (Bullock)	McDonald
Bush	Johnson (Clarke)	McLendon
Butt	Judge	Overton
Chamberlain	Lane	Page

Pharr	Quinn	Sturdivant
Pegram	Richeson	Sullivan
Popwell	Rylance	Thomas
Pruett		

—46

Nays:

Messrs:—

Bell (Autauga)	Jones	Strickland
Capps	Tumpkin	Stollenwerck
Eastis	McGowen	Waddell
Edmonds	Sanders	Wilhite
Jackson	Smith	Wright
Jenkins (Baldwin)		

—16

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the House amendments to the following Senate bills:

S. 64. To provide for the better equipment and support of the University of Alabama, and to appropriate funds therefor.

S. 190. To provide for the building and furnishing of class rooms, laboratories, student work shops, gymnasium, assembly hall, hospital, dormitory and other buildings and improvements for the Alabama girls' technical institute at Montevallo.

J. A. Kyle,  
Secretary.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 278. To prevent trains, engines, cars and other vehicles on railroad and street railroad tracks from being wrecked or caused to be wrecked and to provide for the punishment of persons guilty thereof.

H. 279. To amend section 7677 of the code of Alabama.

H. 705. To provide for and regulate the purchase of books, printing, stationery, material and supplies for the officers of Mobile county, the cost of which is now or may hereafter be made, a charge upon said county.

H. 706. To amend an act entitled an act to provide for the more efficient working of the public roads in Mobile county, and certain streets and public thoroughfares in the city of Mobile; to provide for the control, working, building, maintenance and improvement of the same by the board of revenue and road commissioners of Mobile county; to prescribe the duties and fix the authority of said board; provide for the levy and collection of a road tax and the method of disbursing monies necessary to carry out the provisions of this act and provide penalties for violations of its provisions," approved August 2nd, 1907.

H. 384. An act to make an appropriation for the maintenance and support of the Mercy Home Industrial School for girls located at Birmingham, Alabama, for the years 1911, 1912, 1913 and 1914, and also to provide for the commitment of delinquent white girls in Alabama between the ages of 12 and 16 years inclusive by the courts of the State which may have jurisdiction over juvenile delinquents, and to provide for their control and support while there, and also to provide that the governor and the attorney general of the State shall be ex-officio members of the board of managers of said school.

H. 726. To require the Tax Collector of Montgomery County to keep a record showing in abstract form the names of all registered voters who pay their poll tax, beginning with the year 1901 and each subsequent year, together with their ages; and to provide compensation therefor to be paid out of the County Treasury.

H. 786. To repeal an act to reduce and regulate the payments of ex-officio fees so far as it relates to Lamar county, Alabama, approved on February 21st, 1903.

H. 701. To repeal an act entitled an act to amend an act to provide for the better construction, repairing, working and maintaining the public roads and bridges



in Franklin county, approved July 31st, 1907, approved August 20th, 1909.

H. 787. To repeal an act to fix and regulate the fees of the deputy solicitor of Lamar county, Alabama, approved on the first day of October, 1903.

H. 785. To amend an act entitled an act to authorize and require the commissioners' court of Lamar county to set apart and appropriate money from the general fund of said county with which to pay and discharge certificates of State's witnesses issued by the foreman of the grand jury and by the clerk of the circuit court of said county, for, which by law, became a good claim against the fine and forfeiture fund of said county after the approval of this act and to regulate the manner of said payments and fixing the amount of said witness fees, approved December 3, 1896.

H. 158. To amend section 5768 of the code of 1907.

H. 131. To amend section 2884 of the civil code of Alabama, relating to appeals in civil cases to the supreme court of Alabama.

H. 83. To amend section 5748 of the code of Alabama.

H. 766. To establish an inferior civil court in lieu of justices of the peace for all precincts lying within or partly within the city of Mobile.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

#### ADJOURNMENT.

On motion of Mr. Smith, the House adjourned until 9 o'clock Tuesday, April 11th, 1911.

## FORTY-NINTH DAY.

House of Representatives,

Tuesday, April 11th, 1911.

The House met pursuant to adjournment.

## PRAYER.

The session was opened with prayer by the Rev. Avery of the House.

## ROLL CALL.

On a call of the roll of the House the following members answered to their names:

## Messrs:—

Speaker	Doswell	Johnson (Elmore)
Acker	Eastis	Johnson (Marshall)
Arnold	Edmonds	Jones
Avery	Flanagan	Judge
Barnard	Fletcher	Kilburn
Bell (Autauga)	Fowlkes	Knight
Bell (Pickens)	Fuquay	Lane
Brewer	Gewin	Lavender
Brindley	Greene	Lawler
Boswell	Griffith	Lawson
Brown (Pike)	Helms	Lee
Brown (Tuscaloosa)	Hollis (Choctaw)	Letson
Burtor	Hollis (Walker)	Lloyd
Bush	Hood	Lumpkin
Butt	Horton	Martin (Calhoun)
Capps	Huddleston	Martin (Jackson)
Carroll	Jackson	Mastin
Chamberlain	James	Mathews
Cranford	Jenkins (Baldwin)	Merrill
Darden	Jenkins (Bullock)	Merritt
Dennis	Johnson (Clarke)	Milner

Molton	Pittman	Stollenwerck
Mulkey	Pitts	Sturdivant
McCurdy	Popwell	Sullivan
McDonald	Preston	Thomas
McGowen	Pruett	Twombly
McLendon	Quinn	Waddell
Nicholson	Ramsey	Waits
<del>O'Neill</del>	<del>Rice</del>	<del>Walden</del>
Overton	Richeson	Whately
Page	Roberson	Wheeless
Parks	Sanders	Wilhite
Pharr	Smith	Williams
Pegram	Strickland	Wright

—102

A quorum was present.

## JOURNAL.

The acting chairman of the standing committee on the Revision of the Journal made the following report:

Mr. Speaker:

Your committee on the Revision of the Journal beg leave to report as follows:

We have examined the Journal for the 48th day, and find the same to be correct.

S. S. Fletcher,  
Acting Chairman.

The report of the committee was concurred in, and the Journal for the 48th day was approved.

## LEAVE OF ABSENCE.

Was granted to Messrs. Rylance and Walker for to-day.

## BILLS ON SECOND READING.

Mr. Mulkey, chairman of the standing committee on Revision of Laws, reported that said committee in ses-

sion has acted on the following bills and ordered same returned to the House with a favorable report:

S. 487. To amend section 7803 of the code of Alabama.

Mr. Horton, acting chairman of the standing committee on Judiciary, reported that said committee in session has acted on the following bills and ordered same returned to the House with a favorable report:

S. 355. To regulate the presenting and signing of bills of exception and to provide for establishing bills of exception in the supreme court in all cases tried in any court in this State, with or without a jury, from which an appeal lies to the supreme court before any person acting as judge thereof, other than the regular judge of said court.

S. 61. To amend section 3257 of the code of Alabama.

S. 300. To provide for the registration and lien of judgments for the payment of money in the courts of justice of the peace, and notary public with powers of justice of the peace, and providing for the issuing of executions on such registered judgments, in Franklin county, Alabama; and repealing all laws in conflict therewith.

S. 237. To amend section 3281 of the code of Alabama.

The above and foregoing bills were severally read a second time and placed on the calendar.

#### BILLS REPORTED ADVERSELY.

Mr. Horton, acting chairman of the standing committee on Judiciary, reported that said committee in session has acted on the following bills and ordered same returned to the House with an adverse report:

S. 21. To amend an act approved August 25th, 1909, entitled an act to amend section 5231 of the code of Alabama of 1907.

S. 9. Providing for the docketing of lis pendens and attachments against non-residents.

S. 31. To amend sections 2106, 2155, and 2195 of the code of Alabama.

S. 270. To authorize the recording of certified copies of the records of deeds and the admission of such certified copy or certified copies of records thereof in certain instances in evidence.

S. 165. To amend section 6634 of the 1907 code of Alabama.

S. 269. To protect livery stable keepers.

S. 126. To allow courts of county commissioners and boards of revenue of the several counties of the State to appropriate money out of the county funds for the re-payment of money actually spent by the judges of probate for postage stamps used for official business.

S. 247. To prohibit officers, aldermen and councilmen of municipalities from accepting employment from those operating public service business, and to repeal all existing laws regulating or prohibiting such employment.

S. 165. To amend section 5144 of the code (making Good Friday a holiday).

S. 44. To amend section 6245 of the code, regulating appeals in habeas corpus cases.

S. 146. To amend section 7399 of the code.

Mr. Capps, chairman of the standing committee on County and County Boundaries, reported that said committee in session has acted on the following bills and ordered same returned to the House with an adverse report:

S. 291. To authorize and empower courts of county commissioners or boards of revenue of the counties in this State to borrow money for certain purposes.

S. 292. To authorize and empower courts of county commissioners or boards of revenue in the several counties in this State to pay out of the general fund of their respective counties, court costs and expenses of litigation, including reasonable attorney's fees, incurred by the members thereof in matters arising out of their official acts or refusal to act, and to reimburse themselves or other public officers for like costs or expenses.

Mr. Hollis of Choctaw, chairman of the standing committee on Education, reported that said committee in session has acted on the following bill and ordered same returned to the House with an adverse report:

S. 384. To authorize the white public schools of Marion and Uniontown in Perry county, Alabama, to adopt a curriculum or course of study equivalent to that required of the State high schools; to regulate the taking and acceptance of pupils in said schools, and to provide for the payment to said schools, in equal parts, the county appropriation now donated to county high schools.

On motion of Mr. Williams, the bill:

S. 237. To amend section 3281 of the code of Alabama.

Was recommitted to the standing committee on Judiciary.

#### RESOLUTION.

The following resolution was introduced:

By Mr. Barnard:

H. R. 128. Whereas, more than 128 men have lost their lives in Banner Mines in Jefferson county, and

Whereas, this unprecedented loss of life is due to the present method of leasing convicts to coal operators, and

Whereas, the present system of leasing these convicts to contractors of every kind, and putting these convicts in competition with free labor, is believed to be an unwise policy, and especially is this true as to leases to coal operators,

Therefore, be it resolved by the House of Representatives, that this excellency, the governor, be and he is hereby urged to abolish this system if it can be done under the present laws and if this cannot be done, it is respectfully urged that the governor include in any call that he may make for a special session of the Legislature a measure to abolish this system.

And the resolution was referred to the standing committee on Rules.

## BILLS ON THIRD READING.

S. 436. To authorize the governor of Alabama to sell a strip for a railroad right of way not exceeding one hundred and twenty-five feet in width across the lands of the eighth district agricultural school, located in Limestone county, Alabama, belonging to the State, and to execute a conveyance therefor to the purchaser in the name of the State, attested by the secretary of State.

Was read a third time at length and passed.

Yeas, 57; nays, 0.

## Yeas:

Messrs:—

Speaker	Helms	Molton
Acker	Hollis (Walker)	Mulkey
Arnold	Hood	McCurdy
Avery	Huddleston	McGowen
Barnard	Jackson	Overton
Bell (Autauga)	Jenkins (Bullock)	Pitts
Bell (Pickens)	Johnson (Clarke)	Popwell
Brewer	Jones	Pruett
Brown (Pike)	Judge	Ramsey
Brown (Tuscaloosa)	Kilburn	Rylance
Butt	Lawler	Sanders
Capps	Lawson	Strickland
Carroll	Lee	Stollenwerck
Chamberlain	Lumpkin	Sturdivant
Cranford	Martin (Jackson)	Waddell
Dennis	Mastin	Wheless
Eastis	Mathews	Wilhite
Greene	Merrill	Wright
Griffith	Merritt	

—57

S. 437. To authorize the superintendent of education of Alabama, subject to the approval of the governor of Alabama, to sell a strip for a railroad right of way, not exceeding one hundred and twenty-five feet in width, across the west half of the southwest quarter of section sixteen (16), township three (3), south, range four,

west, being eighty acres of land, more or less, in Limestone county, Alabama, or any portion thereof, and to require the secretary of State to issue a patent to the purchaser upon the payment of the purchase money therefor, and to repeal all laws and parts of laws in conflict with this act, so far as the same apply to the sale of said lands, but no further.

Was read a third time at length and passed.

Yeas, 56; nays, 0.

Yeas:

Messrs:—

Speaker	Hollis (Choctaw)	Mulkey
Acker	Hollis (Walker)	McLendon
Arnold	Huddleston	Nicholson
Avery	Jackson	Pharr
Barnard	James	Pitts
Bell (Autauga)	Jenkins (Bullock)	Popwell
Brindley	Johnson (Clarke)	Ramsey
Brown (Pike)	Johnson (Marshall)	Richeson
Brown (Tuscaloosa)	Lane	Roberson
Burton	Lavender	Sanders
Bush	Lawson	Smith
Butt	Lee	Strickland
Capps	Letson	Stollenwerck
Carroll	Lumpkin	Sullivan
Chamberlain	Martin (Calhoun)	Twombly
Flanagan	Martin (Jackson)	Whatley
Fletcher	Mathews	Wilhite
Greene	Merrill	Williams
Helms	Molton	

—56

S. 268. To amend section 3499 of the code.

Was read a third time at length and passed.

Yeas, 56; nays, 0.

Yeas:

Messrs:—

Speaker	Barnard	Brown (Pike)
Acker	Bell (Autauga)	Burton
Avery	Bell (Pickens)	Butt



Capps	Johnson (Clarke)	McGowen
Carroll	Johnson (Marshall)	McLendon
Chamberlain	Jones	Pittman
Cranford	Judge	Pitts
Darden	Kilburn	Popwell
Eastis	Lavender	Preston
Flanagan	Lawler	Pruett
<del>Fowlkes</del>	<del>Lawson</del>	<del>Richeson</del>
Greene	Lee	Strickland
Griffith	Lumpkin	Stollenwerck
Helms	Martin (Calhoun)	Sturdivant
Horton	Martin (Jackson)	Sullivan
Huddleston	Mastin	Waddell
Jackson	Merrill	Wheless
James	Merritt	Wright
Jenkins (Bullock)	Molton	

—56

S. 176. To provide a manner of selling all of the property of a private corporation.

Was taken up.

The question was upon the adoption of the amendment reported by the standing committee on Corporations; said amendment being as follows:

Amend the bill by striking out the words "two-thirds" where they occur in the fourth line of the bill, and inserting in lieu thereof, the words "four-fifths."

And the amendment was adopted.

Yeas, 55; nays, 0.

Yeas:

Messrs:—

Speaker	Capps	Hood
Acker	Carroll	Horton
Arnold	Chamberlain	Jackson
Avery	Cranford	Jenkins (Bullock)
Barnard	Darden	Johnson (Clarke)
Bell (Autauga)	Edmonds	Johnson (Elmore)
Bell (Pickens)	Flanagan	Jones
Brown (Pike)	Fletcher	Kilburn
Burton	Greene	Lavender
Butt	Griffith	Lawson

Lee	Popwell	Sturdivant
Lumpkin	Preston	Sullivan
Martin (Calhoun)	Pruett	Waddell
Martin (Jackson)	Ramsey	Waits
Mathews	Rice	Wheeless
Milner	Roberson	Wilhite
Mulkey	Strickland	Williams
Pittman	Stollenwerck	Wright
Pitts		

—55

And the bill:

S. 176. To provide a manner of selling all of the property of a private corporation.

As amended was read a third time at length and passed.

Yeas, 58; nays, 0.

Yeas:

Messrs:—

Speaker	Jackson	Pegram
Acker	Jenkins (Bullock)	Pittman
Arnold	Johnson (Clarke)	Pitts
Barnard	Johnson (Marshall)	Popwell
Bell (Autauga)	Judge	Pruett
Bell (Pickens)	Kilburn	Quinn
Boswell	Knight	Richeson
Brown (Pike)	Lane	Roberson
Burton	Lawson	Smith
Butt	Lee	Stollenwerck
Capps	Letson	Sturdivant
Carroll	Lloyd	Twombly
Chamberlain	Lumpkin	Waddell
Flanagan	Martin (Jackson)	Waits
Fowlkes	Mathews	Walker
Greene	Merrill	Wheeless
Griffith	Molton	Wilhite
Hollis (Choctaw)	Mulkey	Wright
Huddleston	McCurdy	

—58

S. 348. To authorize the governor to rent office apartments in the city of Montgomery for the official

use of the State officers for whom adequate offices cannot be obtained in the capitol.

Was read a third time at length and passed.

Yeas, 50; nays, 6.

Yeas:

Messrs:—

Speaker	Hood	Molton
Acker	Horton	Mulkey
Arnold	Huddleston	McGowen
Avery	Jackson	Page
Barnard	Jenkins (Bullock)	Pegram
Bell (Autauga)	Johnson (Clarke)	Pitts
Bell (Pickens)	Johnson (Marshall)	Quinn
Brown (Pike)	Jones	Richeson
Butt	Judge	Roberson
Carroll	Lawler	Smith
Chamberlain	Lawson	Strickland
Darden	Letson	Stollenwerck
Flanagan	Lloyd	Sullivan
Fletcher	Martin (Calhoun)	Waddell
Fowlkes	Mathews	Wheeless
Greene	Merritt	Willhite
Helms	Milner	

—50

Nays:

Messrs:—

Burton	Edmonds	Walden
Capps	James	Wright

—6

S. 206. To create and establish a school of industry and technology for boys and young men in teaching and training them in useful and industrial pursuits and in the arts and sciences; to provide skilled labor in this State and to enable the students of such school to acquire such education and training by means of employing a part or portion of their time and labor while in school to pay all or part of their board, lodging and tuition, and to incorporate such institution under the name of the "industrial and technological institute of

Alabama" with perpetual succession to have a corporate seal, and to sue and be sued in the courts of this State of competent jurisdiction as in the cases of natural persons; to create a board of control composed of five persons, which may be increased by such board to not exceeding nine persons, with right to acquire by purchase, devise, bequest or otherwise any real or personal property, or both, for the benefit of such school, and with the authority to dispose of the same or any part thereof, and to authorize an appropriation by the State to aid in the erecting of suitable school buildings and equipment, and with power to give and grant to students certificates of proficiency in their studies and diplomas.

Was taken up.

The following amendment was offered by Mr. Pitts:

Amend the caption and body of the bill by striking out the words "a school of industry and technology" wherever they occur and insert the words, "The Alabama School of Trades and Industry." Amend by striking the word "diploma" from the bill and insert the word "certificate" in its place.

And the amendment was adopted.

Yeas, 61; nays, 0.

Yeas:

Messrs:—

Speaker	Darden	Johnson (Elmore)
Acker	Eastis	Judge
Arnold	Edmonds	Kilburn
Avery	Flanagan	Lawson
Barnard	Fowlkes	Lee
Bell (Autauga)	Greene	Letson
Bell (Pickens)	Griffith	Lumpkin
Boswell	Helms	Martin (Calhoun)
Brown (Pike)	Hollis (Walker)	Martin (Jackson)
Brown (Tuscaloosa)	Huddleston	Mathews
Bush	Jackson	Merritt
Capps	James	Milner
Carroll	Jenkins (Bullock)	Mulkey
Cranford	Johnson (Clarke)	McDonald

McGowen	Pitts	Sullivan
Nicholson	Popwell	Waddell
O'Neill	Ramsey	Whatley
Page	Smith	Wheeless
Pharr	Strickland	Williams
Pegram	Stollenwerck	Wright
Pittman		

—61

Mr. Pitts offered the following amendment to the bill:

“Provided, that the sum hereby appropriated shall be paid only on the approval of the governor, as, in his opinion the state of the treasury may warrant. The governor may approve the payment in whole, or in part from time to time.”

And the amendment was adopted.

Yeas, 57; nays, 0.

Yeas:

Messrs:—

Speaker	Greene	Milner
Acker	Griffith	Mulkey
Arnold	Helms	McDonald
Avery	Hollis (Walker)	McGowen
Barnard	Huddleston	Pharr
Bell (Autauga)	Jackson	Pegram
Bell (Pickens)	James	Pittman
Boswell	Jenkins (Bullock)	Pitts
Brown (Pike)	Johnson (Clarke)	Popwell
Brown (Tuscaloosa)	Johnson (Elmore)	Preston
Bush	Judge	Ramsey
Capps	Kilburn	Smith
Carroll	Lawson	Strickland
Cranford	Lee	Sullivan
Darden	Letson	Waddell
Eastis	Lumpkin	Whatley
Edmonds	Martin (Calhoun)	Wheeless
Flanagan	Martin (Jackson)	Williams
Fowlkes	Mathews	Wright

—57

Mr. Waddell offered the following amendment to the bill:

Strike out the word "Ragland" where the same occurs in the caption and insert in lieu thereof the word "Girard."

On motion of Mr. Arnold, the amendment was laid upon the table.

And the bill:

S. 206. An act to create and establish the Alabama school of trades and industry for boys and young men in teaching and training them in useful and industrial pursuits and in the arts and sciences; to provide skilled labor in this State and to enable the students of such school to acquire such education and training by means of employing a part or portion of their time and labor while in school to pay all or part of their board, lodging and tuition, and to incorporate such institution under the name of "The Alabama School of Trades and Industry," with perpetual succession to have a corporate seal, and to sue and be sued in the courts of this State of competent jurisdiction as in the cases of natural persons; to create a board of control composed of five persons, which may be increased by such board to not exceeding nine persons, with right to acquire by purchase, devise, bequest or otherwise any real or personal property, or both, for the benefit of such school, and with the authority to dispose of the same or any part thereof, and to authorize an appropriation by the State to aid in the erecting of suitable school buildings and equipment, and with power to give and grant to students certificates of proficiency in their studies and diplomas.

As amended was read a third time at length and passed.

Yeas, 50; nays, 21.

Yeas:

Messrs:—

Speaker	Bell (Pickens)	Butt
Acker	Brindley	Capps
Arnold	Brown (Pike)	Chamberlain
Avery	Brown (Tuscaloosa)	Darden

Eastis	Kilburn	O'Neill
Edmonds	Lavender	Pharr
Fowlkes	Lawler	Popwell
Greene	Lawson	Preston
Hollis (Walker)	Letson	Quin
Horton	Lloyd	Roberson
Huddleston	Lumpkin	Smith
Jackson	Martin (Calhoun)	Stonewell
James	Martin (Jackson)	Sturdivant
Johnson (Clarke)	Molton	Sullivan
Johnson (Marshall)	Mulkey	Waits
Jones	McDonald	Wheless
Judge	McLendon	

—50

## Nays:

Messrs:—

Bell (Autauga)	Helms	Pitts
Brewer	Hollis (Choctaw)	Strickland
Boswell	Jenkins (Bullock)	Waddell
Burton	Mastin	Walden
Carroll	Mathews	Whatley
Flanagan	Merritt	Wilhite
Fletcher	McGowen	Williams

—21

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from his excellency, the governor, with his objections and proposing amendment to:

S. 159. To amend section 1995 of the code of Alabama.

And the Senate has amended the bill as proposed by the governor by adopting and concurring in such proposed amendment.

Yeas, 21; nays, 0.

Which is a majority of the whole number elected to the Senate, and the Senate herewith sends said bill with the governor's message and proposed amendment herewith to the House of Representatives.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

The House concurred in and adopted the governor's amendment to S. 159, the title to which is set out in the above and foregoing message from the Senate, said governor's amendment being as follows:

"Provided, that the sum hereby appropriated shall be paid only as the state of the treasury in the opinion of the governor may warrant. The governor may approve payment in full, or in part from time to time."

Yeas, 64; nays, 0.

Yeas:

Messrs:—

Speaker	Horton	Molton
Acker	Huddleston	McDonald
Arnold	Jackson	McGowen
Avery	Jenkins (Baldwin)	Nicholson
Barnard	Jenkins (Bullock)	Overton
Bell (Autauga)	Johnson (Clarke)	Page
Brewer	Johnson (Elmore)	Pharr
Brindley	Johnson (Marshall)	Pitts
Boswell	Jones	Popwell
Brown (Pike)	Judge	Preston
Brown (Tuscaloosa)	Kilburn	Quinn
Burton	Lavender	Rice
Butt	Lawler	Smith
Carroll	Lawson	Strickland
Chamberlain	Letson	Stollenwerck
Cranford	Lloyd	Sturdivant
Darden	Lumpkin	Sullivan
Edmonds	Martin (Calhoun)	Waddell
Fowlkes	Martin (Jackson)	Walden
Greene	Merritt	Walker
Griffith	Milner	Wheeless
Hollis (Walker)		

—64

## BILLS ON THIRD READING.

S. 222. To provide for the establishment of libraries in the rural, town and village schools of Alabama, to



make an appropriation therefor, to provide for their maintenance and for their improvement, to authorize the commissioners' court or the board of revenue of the several counties to make an appropriation for the establishment and support of said libraries and to provide rules and regulations, under which said libraries shall be established and maintained.

Was read a third time at length and passed.

Yeas, 64; nays, 3.

Yeas:

Messrs:—

Speaker	Horton	Molton
Acker	Huddleston	McDonald
Arnold	Jackson	McGowen
Avery	Jenkins (Baldwin)	Nicholson
Barnard	Jenkins (Bullock)	Overton
Bell (Autauga)	Johnson (Clarke)	Page
Brewer	Johnson (Elmore)	Pharr
Brindley	Johnson (Marshall)	Pitts
Boswell	Jones	Popwell
Brown (Pike)	Judge	Preston
Brown (Tuscaloosa)	Kilburn	Quinn
Burton	Lavender	Rice
Butt	Lawler	Smith
Carroll	Lawson	Strickland
Chamberlain	Letson	Stollenwerck
Cranford	Lloyd	Sturdivant
Darden	Lumpkin	Sullivan
Edmonds	Martin (Calhoun)	Waites
Fowlkes	Martin (Jackson)	Walden
Greene	Merritt	Walker
Griffith	Milner	Wheelless
Hollis (Walker)		

—64

Nays:

Messrs:—

Hood	McLendon	Waddell
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—3

S. 401. To re-imburse the governor's contingent fund for the amount expended in improving the capitol and grounds, and pay inauguration expenses.

Was taken up.

Mr. Brindley offered the following amendment to the bill:

Amend the bill by striking out the following words: "and the further sum of eleven hundred dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated to pay the expenses of the inauguration of the governor on January 16, 1911."

On motion of Mr. James, the amendment offered by Mr. Brindley was laid upon the table.

And the bill:

S. 401. To re-imburse the governor's contingent fund for the amount expended in improving the capitol and grounds, and pay inauguration expenses.

Was read a third time at length and passed.

Yas, 50; nays, 10.

Yeas:

Messrs:—

Acker	Jackson	McGowen
Arnold	James	McLendon
Barnard	Jenkins (Baldwin)	O'Neill
Bell (Autauga)	Johnson (Elmore)	Parks
Bell (Pickens)	Johnson (Marshall)	Pitts
Butt	Jones	Popwell
Carroll	Judge	Pruett
Chamberlain	Kilburn	Quinn
Cranford	Lavender	Rice
Darden	Lawson	Smith
Dennis	Lloyd	Stollenwerck
Eastis	Lumpkin	Sturdivant
Flanagan	Martin (Calhoun)	Sullivan
Fletcher	Martin (Jackson)	Waddell
Griffith	Molton	Waites
Horton	Mulkey	Whatley
Huddleston	McDonald	

—50

Nays:

Messrs:—

Greene	Popwell	Wilhite
Hollis (Walker)	Walden	Williams
Letson	Wheless	Wright
Mathews		

—10

## RESOLUTION.

The following resolution was reported from the Rules committee:

By Rules Committee:

H. R. 129. Resolved by the House that the following Senate bills be made continuing paramount orders beginning with the last special order already made, viz:

S. 460, S. 88, S. 89, S. 90, S. 67, S. 182, S. 362, S. 7, S. 20, S. 487, S. 61, S. 237, S. 359, S. 412, S. 405, S. 92, S. 111, S. 246, S. 376, S. 377, S. 462, S. 196, S. 191, S. 473, S. 326, S. 96, S. 152, S. 273, S. 193, S. 49, S. 63, S. 423, S. 144, S. 143, S. 319, S. 104, S. 263.

The rules were suspended and the resolution was adopted.

## REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

The committee on Enrolled Bills have examined the following House bills:

H. 24. To provide for civil service regulations for the officers and members of the police department of the cities in the State of Alabama having twenty-five thousand or more population and to regulate and prescribe the tenure and terms of office of said officers, and members employed in said police department of said cities.

S. 83. To amend section 5748 of the code of Alabama.

H. 126. To make appropriation for buildings, machinery, equipment and other necessary improvements at the Alabama industrial school for white boys.

H. 152. For the relief of Simon Marx, of Tuskegee, Macon county, Alabama, who has heretofore purchased and now owns a large number of the certificates of State witnesses in cases where parties were indicted by the grand jury but who have not yet been arrested, by making such certificates lawful claims against the fine and forfeiture fund of Macon county, Alabama, providing for the payment of such claims and for

the disposition of money thereafter collected on account of such certificates, and to repeal all laws and parts of laws in conflict with this act in so far as the payment of said certificates are concerned.

H. 158. To amend section 5768 of the code of 1907.

H. 238. To create and establish a reform school for the training of juvenile negro law breakers at Mt. Meigs, Alabama; to make appropriations for the purpose and accept by donation all such lands and buildings as are needful therefor; to create a board of trustees and to provide for the suitable management of said institution.

H. 278. To prevent trains, engines, cars and other vehicles on railroad and street railroad tracks from being wrecked or caused to be wrecked and to provide for the punishment of persons guilty thereof.

H. 279. To amend section 7677 of the code of Alabama.

H. 321. To amend an act entitled an act to create the office of assistant solicitor for the county of Montgomery, Alabama, in lieu of the present office of deputy solicitor for said county, prescribing his duties, fixing his salary and providing for the method of selection for said office.

H. 331. For the relief of Mrs. Mary Sasser, widow of J. J. Sasser, an ex-confederate soldier, who was a pensioner of the State of Alabama, Chambers county, No. 3286, and died March 23, 1909, in accordance with an act approved February 10, 1899, for the relief of needy confederate soldiers and sailors residents of Alabama and their widows, requiring the State auditor to draw his warrant on the State treasurer, payable to Mrs. Mary Sasser for the various amounts to be disbursed quarterly to pensioners of the fourth class and also requiring the judge of probate to place her name on the pension roll of pensioners of Chambers County.

H. 384. To make an appropriation for the maintenance and support of the Mercy Home Industrial School for girls located at Birmingham, Alabama, for the years 1911, 1912, 1913 and 1914, and also to provide for the commitment of delinquent white girls in Ala-

bama between the ages of 12 and 16 years inclusive by the courts of the State which may have jurisdiction over juvenile delinquents, and to provide for their control and support while there, and also to provide that the governor and the attorney general of the State shall be ex-officio members of the board of managers of said school.

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H. 291. For the preservation, protection, development and improvement of the oyster reefs and beds in the waters of Alabama; for the preservation, protection, development, encouragement and improvement of the oyster, shrimp, terrapin, turtle and other sea food products industry in the State of Alabama; to provide for the establishment of a board of commissioner, to prescribe their powers and duties, to provide for their compensation, to establish, locate and provide for the furnishing of its office; to regulate the manner and time of thinking and catching oysters, shrimp, terrapin, turtle and other sea food products from the public waters and private bedding grounds of the State; to prescribe and regulate the measure of oysters bought and sold in the shell; to prescribe license fees for boats engaged in taking and catching oysters, shrimp, terrapin, turtle and other sea food products; to fix and prescribe a tax upon oysters, shrimp, terrapin, turtle and other sea food products, canned, packed, shipped or sold raw or cooked; to provide for the officers, employees and agents of the commission, to prescribe their duties and powers and fix their compensation; to provide for the protection and patrol of the oyster grounds and public waters of the State; to provide for the leasing of water bottoms owned by the State; to fix penalties for the violation of the provisions of this act; to create a fund for monies arising under the provisions of this act for the purpose of defraying the expenses of the commission; to provide for obtaining twenty-five per cent of the shells produced by canning factories in the State, and generally to regulate and control the oyster, shrimp, terrapin, turtle, and other sea food products industry in the State and all matters connected therewith; to fix and prescribe a tax upon canning fac-

tories; and to fix and prescribe a privilege or business license or tax on all dealers in oysters, shrimp, terrapin, turtle and other sea food products and to provide for reports to be made to the commission by agent or representatives of transportation and express companies, and by all persons taking, catching or selling oysters, shrimp, terrapin, turtle and other sea food products.

H. 404. To provide for the acquirement or establishment of highways in cities having a population of more than one hundred thousand people according to the last federal census or according to any subsequent federal census, under certain conditions and agreements and to provide for the improvement of such highways.

H. 426. To make the public drinking of intoxicating liquors or beverages on railway cars or street cars or in a railway waiting room a misdemeanor and to provide for the punishment therefor.

S. 435. To authorize common carriers in this State to sell unclaimed articles of freight.

H. 539. To fix the salary of the judge of the fifteenth judicial circuit of the State of Alabama at the sum of four thousand dollars per annum, and to provide for the payment of as much thereof out of the State treasury as shall be paid to other circuit judges of the State of Alabama and for the payment of the remainder thereof out of the treasury of Montgomery county.

H. 697. To provide for the further protection of fish and to prevent the taking or catching of fish except with hook and line or with spear, cast net or gig in any lake, river, creek, stream, lagoon or bayou in Baldwin county, Alabama, except that portion of said county which lies south of the northern boundary line of township 8 south and west of the western boundary line of range 4 east, and Weeks Bay and that portion of streams emptying into Weeks Bay one mile from the mouth thereof, and except Bon Secour Bay and the streams emptying into Bon Secour Bay two miles from the mouth thereof, and except Bon Secour River below Childress' Store; and to provide penalties for the violation of this act.

H. 701. To repeal an act entitled an act to amend an act to provide for the better construction, repairing, working and maintaining the public roads and bridges in Franklin county, approved July 31st, 1907, approved August 20th, 1909.

H. 705. To provide for and regulate the purchase of books, printing, stationery, material and supplies for the officers of Mobile county, the cost of which is now or may hereafter be made, a charge upon said county.

H. 706. To amend an act entitled "an act to provide for the more efficient working of the public roads in Mobile county, and certain streets and public thoroughfares in the City of Mobile; provide for the control working, building, maintenance and improvement of the same by the board of revenue and road commissioners of Mobile county; to prescribe the duties and fix the authority of said board; provide for the levy and collection of a road tax, and the method of disbursing moneys necessary to carry out the provisions of this act, and provide penalties for violations of its provisions," approved August 2, 1907.

H. 710. To authorize the county of Shelby, State of Alabama, to issue long time interest bearing warrants to an amount not exceeding thirty thousand dollars, for the purpose of funding its outstanding indebtedness, and the accrued interest thereon.

H. 714. To allow the constable in beat 13, of Walker county, Alabama, to appoint deputies.

H. 726. To require the tax collector of Montgomery county to keep a record showing in abstract form the names of all registered voters who pay their poll tax, beginning with the year 1901 and each subsequent year, together with their ages; and to provide compensation therefor to be paid out of the county treasury.

H. 766. To establish an inferior civil court in lieu of justices of the peace for all precincts lying within or partly within the city of Mobile.

H. 768. To amend section 3 of an act approved Aug. 9, 1907, to establish a high school for Dale county to be located at Ozark, Alabama.

H. 776. To repeal an act to prohibit and punish unlawfully and knowingly permitting live stock to run at large in stock law districts, or territory in which stock are prohibited to run at large, approved August 19th, 1909, so far as it relates to Sumter county.

H. 785. To amend an act entitled an act to authorize and require the commissioners court of Lamar county to set apart and appropriate money from the general fund of said county, with which to pay and discharge certificates of State witnesses issued by the foreman of the grand jury and by the clerk of the circuit court of said county for, which by law, became a good claim against the fine and forfeiture fund of said county, after the approval of this act, and to regulate the manner of said payments and fixing the amounts of said witness fees, approved December 3rd, 1896.

S. 786. To repeal an act to reduce and regulate the payments of ex-officio fees so far as it relates to Lamar county, Alabama, approved on February 21st, 1903.

H. 787. To repeal an act to fix and regulate the fees of the deputy solicitor of Lamar county, Alabama, approved on the first day of October, 1903.

H. 789. To repeal an act approved on January 30th, 1891, to reduce the fees of the probate judge of Lamar county in certain cases.

And find same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report from the standing committee on Enrolled Bills.



## GOVERNOR'S MESSAGE.

The following message was received from the governor and the same was ordered spread upon the Journal:

Montgomery, Ala., April 11th, 1911.

To the House of Representatives:

I invite your attention to Senate bill No. 340, providing for a topographic map of the State.

I have received from Dr. Smith the following, which sets forth the necessity of and the benefits to be derived from the passage of this bill:

"University, Ala., April 10, 1911.

"To His Excellency, Gov. O'Neal.

"By the system of co-operation contemplated by this bill the State gains an accurate map of its area in comparatively short time and at half the cost of such a map if prepared by the State alone; much of the field work is done by temporary assistants who are usually residents of the State, thus occupation is given to many of our young men; these maps are the best possible base maps for showing the mineral, water, soils and other natural resources. All maps of the State thus far made are mere sketch maps in comparison, since on these proposed maps are shown not only the drainage but the township range and section lines, all roads both public and private, the location of every house, and every forest area. The contour lines show the elevation above the sea level of every point in the State so that highways, electric roads, aqueducts, sewerage plants, etc., may be laid out on the maps without the cost of preliminary surveys. Areas for catchment for water supply sites for reservoirs and routes for canals may be ascertained from them.

"In the making of these maps monuments of stone and bronze are established throughout the State, the positions of which are accurately determined by geodetic methods and which serve as datum points for all other government and private land surveys. Meridian marks are established at each county seat, which aid

local and county surveyors in determining the declination of their compasses and which thus greatly facilitate the search for old property lines. There is nothing more needed at the present time than the preservation of the old land marks, many of which have already been lost. The monuments set up by these surveys in every county will make it possible for many land lines now in dispute to be correctly established and costly litigation thus prevented. By promoting an exact knowledge of the State and by serving teachers and pupils in geographic studies, the educational value of these maps cannot be overestimated.

"A wrong impression seems to have arisen concerning the order in which in point of priority the different parts of the State shall be surveyed. This is determined by agreement between the representative of the State and the director of the United States geological survey.

"With the exception of the Wedowee, Dadeville and Opelika sheets all the maps thus far prepared have been surveyed by the United States geological survey alone and the State geologist has had no choice in the selection. These sheets are all in what is called the mineral district in which the federal survey had most interest. Most of the work yet to be done will be in the southern or agricultural district, which as yet has not been touched. If the present bill should become a law the survey of three or four sheets each embracing half a degree of latitude by half a degree of longitude, an area approximately of 1,000 square miles, will be taken up simultaneously, but it was thought desirable to start one sheet along the northern boundary of the State in order to tie up with some of the Tennessee sheets already surveyed. The other sheets will naturally be where most of the unsurveyed territory lies, viz., to the southward of Opelika, Dadeville, Wetumpka and Clanton sheets already surveyed, and the surveys will be pushed as rapidly as possible southward and westward of the existing sheets. This will soon give the base maps on which can be shown the locations of the cement resources, the lignit, the possible oil and gas resources of the territory outside of that already covered

by the existing maps, and lying mostly in what we call the agricultural district.

"In case the mention of any particular area in the bill be seriously objected to, an amendment will remove the difficulty.

"Eugene A. Smith."

The appropriation which the bill carries will not be payable except on the approval of the governor, if in his opinion the condition of the treasury warrants it.

I recommend the passage of the bill with the appropriation payable on this contingency.

Emmet O'Neal,  
Governor.

#### BILLS ON THIRD READING.

S. 340. Providing for a topographic survey and map of the State of Alabama.

Was taken up.

Mr. Almon (Mr. Sullivan in the chair) offered the following amendment to the bill:

Provided, that the sum hereby appropriated shall be paid only as the state of the treasury in the opinion of the governor may warrant. The governor may approve payment in full or in part from time to time.

And the amendment was adopted.

Yeas, 66; nays, 0.

Yeas:

Messrs:—

Speaker	Carroll	Jackson
Acker	Chamberlain	James
Arnold	Cranford	Jenkins (Baldwin)
Avery	Eastis	Jenkins (Bullock)
Barnard	Edmonds	Johnson (Clarke)
Bell (Pickens)	Fletcher	Johnson (Elmore)
Brown (Pike)	Griffith	Johnson (Marshall)
Brown (Tuscaloosa)	Helms	Jones
Bush	Hollis (Choctaw)	Judge
Butt	Hollis (Walker)	Kilburn
Capps	Huddleston	Lawler

Lee	Nicholson	Roberson
Letson	O'Neill	Sanders
Lloyd	Parks	Smith
Lumpkin	Pharr	Stollenwerck
Martin (Calhoun)	Pitts	Sturdivant
Martin (Jackson)	Popwell	Sullivan
Mastin	Preston	Waddell
Mathews	Pruett	Waits
Milner	Quinn	Whately
Molton	Ramsey	Wheeless
McDonald	Rice	Williams

—66

And the bill:

S. 340. Providing for a topographic survey and map of the State of Alabama.

As amended was read a third time at length and passed.

Yeas, 67; nays, 1.

Yeas:

Messrs:—

Speaker	Helms	Merrill
Acker	Horton	Molton
Arnold	Huddleston	Mulkey
Avery	Jackson	McDonald
Barnard	James	McGowen
Bell (Pickens)	Jenkins (Baldwin)	Nicholson
Brewer	Jenkins (Bullock)	O'Neill
Brown (Tuscaloosa)	Jones	Page
Burton	Judge	Parks
Bush	Kilburn	Pharr
Butt	Lawler	Pitts
Capps	Lawson	Popwell
Carroll	Lee	Preston
Chamberlain	Letson	Quinn
Eastis	Lloyd	Ramsey
Edmonds	Lumpkin	Rice
Flanagan	Martin (Calhoun)	Roberson
Fletcher	Martin (Jackson)	Smith
Fowlkes	Mastin	Strickland
Greene	Mathews	Stollenwerck

Sullivan  
Twombly  
Waddell

Waits  
Whatley

Wheeless  
Wright

—67

Nays:

Mr. Richeson.

—1

~~S. 342. To amend section four of an act to provide~~  
for the appointment of railway and street railway policemen, to prescribe their duties and compensation, and to fix the liability for the torts, acts of negligence or misconduct of such policemen, approved February 28, 1911.

Was read a third time at length and passed.

Yeas, 58; nays, 6.

Yeas:

Messrs:—

Speaker

Helms

Mathews

Acker

Horton

Molton

Arnold

Jackson

McGowen

Avery

James

Pharr

Barnard

Jenkins (Baldwin)

Pitts

Brindley

Johnson (Clarke)

Preston

Boswell

Johnson (Elmore)

Pruett

Brown (Pike)

Johnson (Marshall)

Quin

Butt

Jones

Ramsey

Capps

Judge

Rice

Carroll

Lane

Smith

Chamberlain

Lawler

Strickland

Cranford

Lawson

Stollenwerck

Darden

Lee

Sullivan

Eastis

Letson

Waddell

Edmonds

Lloyd

Waites

Flanagan

Lumpkin

Whatley

Fowlkes

Martin (Jackson)

Wilhite

Greene

Mastin

Williams

Griffith

—58

Nays:

Messrs:—

Merrill

McLendon

Wheeless

Milner

Popwell

Wright

—6

S. 131. To provide regulations for the transportation of explosives by common carriers between points within the State of Alabama, and to provide penalties for the violation thereof.

Was taken up.

Mr. Butts offered the following amendment to the bill:

AMENDMENTS TO SENATE BILL 131.

Amend sections 1, 2, 3 and 4 of the bill so that the same shall read as follows:

Section 1. *Be it enacted by the Legislature of Alabama*, That it shall be unlawful to transport, carry or convey, or cause to be transported, carried or conveyed, any dynamite, gunpowder or other explosives between any points or places within the State of Alabama, on any vessel, car or vehicle of any description, operated by a common carrier, which vessel, car or vehicle is carrying passengers for hire. Provided that it shall be lawful to transport on any such vessel, car or vehicle, small-arms ammunition in any quantity, and such fuses, torpedoes, rockets or other signal devices as may be essential to promote safety in operation, and properly packed and marked samples for laboratory examination, not exceeding a net weight of one-half pound each, and not exceeding twenty samples at one time in a single vessel, car or vehicle; but such samples shall not be carried in that part of a vessel, car or vehicle which is intended for the transportation of passengers for hire, and provided further, That nothing in this section shall be construed to prevent the transportation of military or naval forces with their accompanying ammunitions of war on passenger equipment vessels, cars or vehicles.

Section 2. That it shall be unlawful to transport, carry or convey or cause to be transported, carried or conveyed, liquid nitroglycerin, fulminate in bulk in dry condition, or other like explosives between any points or places within the State of Alabama, on any vessel,

car or vehicle of any description operated by a common carrier in the transportation of passengers or articles of commerce by land or water.

Section 3. Every package containing explosives or other dangerous articles, when presented to a common carrier for shipment shall have plainly marked on the outside thereof the contents thereof, and it shall be unlawful for any person, partnership or corporation to deliver for transportation to any common carrier engaged in commerce by land or water, or to cause to be delivered or to carry any explosive or other dangerous article, under any false or deceptive marking, description, invoice, shipping order or other declaration, or without informing the agent of such carrier of the true character thereof, at or before the time such delivery or carriage is made, and it shall be unlawful for any persons to carry or place, or cause to be carried or placed on any vessel, car or other vehicle on which passengers are carried for hire, any of the explosives in this act prohibited from being carried on vessels, cars or other vehicles on which passengers are carried for hire. The railroad commission of Alabama shall formulate regulations for the safe transportation of explosives between points or places in Alabama, which shall be binding upon all common carriers and shippers, and their agents. Said commission of its own motion, or upon application made by any interested party, may make changes or modifications in such regulations made desirable by new information or altered conditions. Such regulations shall be in accord with the best known practicable means for securing safety in transit, covering the packing, marking, loading, handling while in transit and the precautions necessary to determine whether the material when offered is in proper condition to transport. Such regulations, as well as all changes or modifications thereof, shall take effect thirty (30) days after their formulation and promulgation by said commission, and shall be in effect until set aside or modified.

Section 4. Any person, partnership or corporation who knowingly violates or causes to be violated any of

the foregoing provisions of this act, or any regulation made by the railroad commission of Alabama in pursuance thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished for each offense by a fine not exceeding two thousand dollars (\$2,000.00), or by imprisonment not exceeding eighteen (18) months, or both such fine and imprisonment, in the discretion of the court.

And the amendment was adopted.

Yeas, 65; nays, 0.

Yeas:

Messrs:—

Speaker	Hood	McDonald
Acker	Horton	McGowen
Arnold	James	McLendon
Barnard	Jenkins (Baldwin)	O'Neill
Brindley	Johnson (Clarke)	Page
Boswell	Johnson (Elmore)	Pharr
Brown (Tuscaloosa)	Johnson (Marshall)	Percy
Bush	Jones	Pitts
Butt	Judge	Popwell
Carroll	Knight	Pruett
Chamberlain	Lane	Ramsey
Darden	Lawler	Richeson
Dennis	Lawson	Strickland
Eastis	Lee	Sturdivant
Edmonds	Letson	Twombly
Flanagan	Lloyd	Waits
Fowlkes	Martin (Calhoun)	Walden
Gewin	Martin (Jackson)	Whatley
Greene	Mastin	Wheeless
Helms	Mathews	Williams
Hollis (Choctaw)	Merritt	Wright
Hollis (Walker)	Molton	

—65

And the bill:

S. 131. To provide regulations for the transportation of explosives by common carriers between points within the State of Alabama, and to provide penalties for the violation thereof.



As amended was read a third time at length and passed.

Yeas, 61; nays, 1.

Yeas:

Messrs:—

Speaker	Hollis (Walker)	Pharr
Acker	Huddleston	Pitts
Arnold	James	Popwell
Avery	Johnson (Clarke)	Pruett
Bell (Autauga)	Johnson (Marshall)	Quinn
Bell (Pickens)	Jones	Richeson
Brewer	Knight	Smith
Brindley	Lawson	Strickland
Brown (Pike)	Letson	Stollenwerck
Brown (Tuscaloosa)	Lloyd	Sturdivant
Burton	Lumpkin	Sullivan
Butt	Mastin	Twombly
Capps	Mathews	Waddell
Chamberlain	Molton	Waits
Cranford	Mulkey	Walden
Dennis	McCurdy	Whatley
Doswell	McDonald	Wheless
Edmonds	McGowen	Wilhite
Fletcher	McLendon	Williams
Fowlkes	Nicholson	Wright
Hollis (Choctaw)		

—61

Nays:

Mr. Lavender.

—1

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and presiding officer of the Senate having signed the following Senate bills:

S. 64. An act to provide for the better equipment and support of the University of Alabama, and to appropriate funds therefor.

S. 75. An act to aid and encourage technical education in the State of Alabama, by providing increased

facilities, buildings and maintenance for the Alabama Polytechnic Institute.

S. 112. An act to encourage the holding of State, district and county fairs in Alabama by appropriating funds for payment of premiums for exhibits of agricultural products, live stock and poultry, and to provide a plan of awarding premiums and paying the same by the State of Alabama, for the exhibit of Agricultural products, live stock and poultry produced, raised or bred in the State of Alabama.

S. 181. An act to appropriate out of any funds of the State not otherwise appropriated, the sum of forty thousand dollars, (\$40,000.00), to be used for the purpose of aiding in the erection of a dormitory for the State normal college situated at Troy, Alabama.

S. 190. An act to provide for the building and furnishing of class rooms, assembly hall, laboratories, work shops and other buildings for the Alabama girls' technical institute, at Montevallo.

S. 159. An act to amend section 1995 of the code of Alabama, 1907.

S. 348. An act to authorize the governor to rent office apartments in the city of Montgomery for the official use of the State officers for whom adequate offices cannot be obtained in the capitol.

S. 268. An act to amend section 3499 of the code.

Your signature thereto is requested.

J. A. Kyle,  
Secretary.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill:

S. 266. To authorize and require the superintendent of education to collect and publish accurate statistics in relation to all public schools and educational institutions of the State and any and all useful information connected therewith.

And sends the same herewith to the House.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message, was read one time and referred to an appropriate standing committee as follows:

Education, S. 266.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 617. To provide for the payment of expenses incurred by the door-keeper of the House and door-keeper of the Senate.

H. 463. To amend sections eight hundred and twenty-eight (828) and eight hundred and thirty-five (835) of the political code of 1907.

H. 280. To amend sections 7049, 7050, 7052, 7053, and 7054 of the code of 1907.

H. 447. To regulate the consolidation of insurance companies.

H. 812. To fix the time and places of holding the county court of Russell county.

H. 813. To fix the times and places of holding the regular terms of the court of county commissioners of Russell county.

H. 814. To require the board of jury commissioners of Russell county to prepare two boxes of names of jurors in accordance with section 7240 of the code of Alabama, one to be used in drawing the juries for the circuit court of Russell county, at Seale, and the other to be used in drawing the juries for the circuit court of said county at Girard.

H. 805. To provide when the members of the court of county commissioners for Crenshaw county shall be elected, and prescribe their terms of office.

H. 263. To amend section 2842 of the code.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the report of the Conference committee heretofore appointed on the disagreement of the two houses on the House amendments to:

S. 323. To regulate the use and preservation of oil and gas and providing penalties for the violation thereof, providing for the appointment of a suitable person, when necessary, to enforce the same and prescribing his duties, compensation and to make appropriations therefor.

J. A. Kyle,  
Secretary.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill:

H. 334. To amend an act approved August 26th, 1909, entitled an act to amend section 7083 of the code of Alabama of 1907.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

The House concurred in and adopted the Senate amendment to the bill, S. 334; said Senate amendment being as follows:

Amend section 1 by striking out the words "section 7083 of the Code of Alabama of 1907," and insert in lieu thereof the words "An act entitled an act to amend section 7083 of the code of Alabama of 1907, approved August 26, 1909."

Yeas, 65; nays, 0.

Yeas:

Messrs:—

Speaker	Johnson (Elmore)	Parks
Acker	Jones	Pitts
Arnold	Judge	Popwell
Avery	Kilburn	Preston
Brown (Pike)	Lawler	Pruett
Barton	Lawson	Quin
Butt	Lee	Ramsey
Capps	Letson	Richeson
Carroll	Lloyd	Smith
Chamberlain	Lumpkin	Strickland
Cranford	Martin (Jackson)	Stollenwerck
Darden	Mastin	Sturdivant
Eastis	Mathews	Sullivan
Edmonds	Milner	Waddell
Flanagan	Mulkey	Waites
Griffith	McCurdy	Walden
Helms	McGowen	Whatley
Hollis (Walker)	McLendon	Wheless
Hood	Nicholson	Wilhite
Horton	O'Neill	Williams
Jackson	Overton	Wright
James	Page	

—65

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill:

H. 261. To regulate proceedings in the supreme court in cases which, in the opinion of that court, should be reversed because the judgment of a lower court is excessive, and there is, in the opinion of the supreme court, no other ground of reversal.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

The House concurred in and adopted the Senate amendment to the bill, H. 261; said Senate amendment being as follows:

Amend section 1 by adding the following:

"Provided that if the appellee files a remittitur then the supreme court shall notify the appellant of the filing of such remittitur and require the appellant within a time stated in said notice to agree to its judgment and if such appellant disagrees to said judgment then said case shall be reversed and remanded."

Yeas, 59; nays, 2.

Yeas:

Messrs:—

Speaker	Griffith	Martin (Jackson)
Acker	Helms	Mathews
Arnold	Hollis (Walker)	Molton
Avery	Horton	McGowen
Brown (Pike)	Jackson	McLendon
Brown (Tuscaloosa)	James	Nicholson
Burton	Jenkins (Bullock)	O'Neill
Bush	Johnson (Clarke)	Page
Butt	Johnson (Elmore)	Parks
Capps	Jones	Pharr
Chamberlain	Judge	Popwell
Cranford	Kilburn	Preston
Darden	Lavender	Pruett
Dennis	Lawson	Richeson
Eastis	Lee	Strickland
Edmonds	Lloyd	Stollenwerck
Flanagan	Lumpkin	Sturdivant

Sullivan  
Twombly  
Waddell

Waits  
Walden  
Whatley

Wheeless  
Wright

—59

Nays:  
Messrs:—

White

Williams

—2

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in the House amendments to:

S. 176. To provide a manner of selling all of the property of a private corporation.

S. 206. To create and establish the Alabama school of trades and industry for boys and young men in teaching and training them in useful and industrial pursuits and in the arts and sciences; to provide skilled labor in this State and to enable the students of such school to acquire such education and training by means of employing a part or portion of their time and labor while in school to pay all or part of their board, lodging and tuition, and to incorporate such institution under the name of The Alabama School of Trades and Industry, with perpetual succession to have a corporate seal, and to sue and be sued in the courts of this State of competent jurisdiction as in the cases of natural persons; to create a Board of Control composed of five persons, which may be increased by such board to not exceeding nine persons, with right to acquire by purchase, devise, bequest or otherwise any real or personal property, or both, for the benefit of such school, and with the authority to dispose of the same or any part thereof, and to authorize an appropriation by the State to aid in the erecting of suitable school buildings and equipment, and with power to give and grant to students certificates of proficiency in their studies and diplomas.

J. A. Kyle,  
Secretary.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from his excellency, the governor, with his objections and proposing an amendment to:

S. 435. To provide for the construction of additional buildings for the State normal school at Florence, Alabama, and to appropriate funds therefor.

And the Senate has amended the bill as proposed by the governor by adopting and concurring in such proposed amendment.

Yeas, 19; nays, 0.

Which is a majority of the whole number elected to the Senate, and the Senate herewith sends said bill with the governor's message and proposed amendment herewith to the House of Representatives.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

The House concurred in and adopted the governor's amendment to the bill, S. 435, the title to which is set out in the above and foregoing Senate message; said governor's message being as follows:

Amend the bill by adding at the end of section 2 the following:

"Provided, that said sum hereby appropriated shall be payable on the approval of the governor, in whole or in part from time to time as, in his opinion, the condition of the treasury may warrant."

Yeas, 61; nays, 0.

Yeas:

Messrs:—

Speaker	Bell (Pickens)	Butt
Acker	Brindley	Capps
Arnold	Brown (Pike)	Carroll
Barnard	Brown (Tuscaloosa)	Chamberlain
Bell (Autauga)	Burton	Cranford



Darden	Judge	Pegram
Eastis	Lavender	Pitts
Flanagan	Lawler	Popwell
Fletcher	Lawson	Preston
Fowlkes	Lee	Rice
Greene	Letson	Strickland
Holmes	Lloyd	Stollenwerck
Hood	Lumpkin	Sturdivant
Horton	Martin (Calhoun)	Sullivan
Jackson	Martin (Jackson)	Twombly
James	Mastin	Waddell
Jenkins (Baldwin)	Molton	Whatley
Jenkins (Bullock)	McLendon	Wheeless
Johnson (Elmore)	O'Neill	Williams
Johnson (Marshall)	Page	Wright
Jones		

—61

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from his excellency, the governor, with his objections and proposing an amendment to:

S. 25. To appropriate sixty thousand dollars for the aid of the State normal school at Jacksonville, Alabama.

And the Senate has amended the bill as proposed by the governor by adopting and concurring in such proposed amendment.

Yeas, 20; nays, 0.

Which is a majority of the whole number elected to the Senate, and the Senate herewith sends said bill with the governor's message and proposed amendment herewith to the House of Representatives.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

The House concurred in and adopted the governor's amendment to the bill, S. 25, the title to which is set

out in the above and foregoing Senate message; said governor's amendment being as follows:

Amend the bill by adding at the end of section 3 the following:

"Provided, that the sum hereby appropriate shall be paid only on the approval of the governor as in his opinion the state of the treasury warrants; the governor may approve the payment of such appropriation in whole or in part from time to time."

Yeas, 58; nays, 0.

**Yeas:**

Messrs:—

Speaker	Hollis (Choctaw)	Mulkey
Acker	Hollis (Walker)	McGowen
Arnold	Horton	McLendon
Avery	Jackson	Overton
Brewer	Jenkins (Baldwin)	Parks
Brindley	Johnson (Clarke)	Pharr
Brown (Pike)	Johnson (Elmore)	Popwell
Brown (Tuscaloosa)	Johnson (Marshall)	Preston
Burton	Judge	Pruett
Butt	Lavender	Rice
Capps	Lawson	Richeson
Carroll	Lee	Smith
Chamberlain	Letson	Strickland
Cranford	Lloyd	Twombly
Dennis	Lumpkin	Waddell
Eastis	Martin (Calhoun)	Whitley
Flanagan	Mastin	Wheeless
Fowlkes	Mathews	Williams
Fuquay	Molton	Wright
Griffith		

—58

**RECESS.**

The hour of one o'clock having arrived the House recessed until 3 o'clock p. m.

## AFTERNOON SESSION.

The hour of 3 o'clock having arrived, the House reconvened.

## GOVERNOR'S MESSAGE.

On motion of Mr. Avery, the House concurred in and adopted the governor's amendment to the bill, H. 413, said governor's amendment being as follows:

Montgomery, Ala., April 7th, 1911.

To the House of Representatives:

I herewith return House bill 413 without my approval, and suggest the following amendment to meet my objection thereto:

Amend the bill by adding at the end of section 1 the following:

"Provided, that said sum hereby appropriated shall be payable on the approval of the governor, in whole or in part from time to time as, in his opinion, the condition of the treasury may warrant."

As I have already said to the Legislature by special message it is my purpose to pay these appropriations in full if, as I hope and believe, the condition of the treasury is such that it can be done. In view of the deficit, however, and the innovations in the revenue bill, I feel, in justice to the State and to the various schools and other objects for which appropriations have been made, that in the event there is not a sufficient sum to pay them all it is but fair to appropriate the sum that is available proportionately among them.

Emmet O'Neal,  
Governor.

Yeas, 56; nays, 0.

Yeas:

Messrs:—

Speaker	Barnard	Brindley
Acker	Bell (Autauga)	Boswell
Arnold	Bell (Pickens)	Brown (Pike)

Burton	Jones	Pittman
Bush	Judge	Pitts
Carroll	Kilburn	Preston
Chamberlain	Lavender	Pruett
Cranford	Lawler	Quin
Eastis	Letson	Ramsey
Flanagan	Lloyd	Rice
Griffith	Mathews	Sanders
Helms	Merrill	Smith
Hood	Molton	Strickland
Horton	Mulkey	Thomas
Huddleston	Nicholson	Twombly
Jackson	O'Neill	Walker
Jenkins (Baldwin)	Overton	Wheelless
Johnson (Elmore)	Parks	Wright
Johnson (Marshall)	Pharr	

—56

## GOVERNOR'S MESSAGE.

On motion of Mr. McLendon the House concurred in and adopted the governor's amendment to the bill, H. 250, said governor's amendment being as follows:

Montgomery, Ala., April 5th, 1911.

To the House of Representatives:

I herewith return House bill 250 without my approval, and suggest the following amendment to meet my objection thereto:

Amend the enacting clause by striking out the word "State" where it occurs therein, and inserting in lieu thereof the word "Legislature."

Emmet O'Neal,  
Governor.

Yeas, 57; nays, 0.

Yeas:

Messrs:—

Speaker	Bell (Autauga)	Brown (Tuscaloosa)
Acker	Bell (Pickens)	Burton
Arnold	Brindley	Carroll
Barnard	Brown (Pike)	Chamberlain

Cranford	Lawler	Pittman
Darden	Lee	Pitts
Edmonds	Letson	Popwell
Griffith	Lloyd	Preston
Helms	Lumpkin	Pruett
Hollis (Walker)	Martin (Jackson)	Quinn
Hood	Mathews	Rice
Horton	Merritt	Smith
Huddleston	Molton	Strickland
Jackson	Mulkey	Stollenwerck
James	McDonald	Thomas
Jenkins (Baldwin)	McGowen	Twombly
Johnson (Marshall)	O'Neill	Whatley
Jones	Page	Wheless
Kilburn	Parks	Wright

—57

## GOVERNOR'S MESSAGE.

On motion of Mr. Bush the House concurred in and adopted the governor's amendment to the bill, H. 127, said governor's amendment being as follows:

Montgomery, Ala., April 7th, 1911.

To the House of Representatives:

I herewith return House bill 127 without my approval, and suggest the following amendment to meet my objection thereto:

Amend the bill by adding at the end of section 3 the following:

"Provided, that the various sums hereby appropriated shall be payable on the approval of the governor, in whole or in part from time to time, as in his opinion, the condition of the treasury may warrant."

As I have already said to the Legislature by special message it is my purpose to pay these appropriations in full if, as I hope and believe, the condition of the treasury is such that it can be done. In view of the deficit, however, and the innovations in the revenue bill, I feel in justice to the State and to the various schools and other objects for which appropriations have

been made, that in the event there is not a sufficient sum to pay them all it is but fair to appropriate the sum that is available proportionately among them.

Emmet O'Neal,  
Governor.

Yeas, 54; nays, 0.

Yeas:

Messrs:—

Speaker	Helms	McDonald
Acker	Hood	Nicholson
Arnold	Huddleston	Parks
Barnard	Jackson	Pharr
Bell (Autauga)	James	Pittman
Bell (Pickens)	Jenkins (Bullock)	Pitts
Brindley	Johnson (Elmore)	Pruett
Brown (Pike)	Johnson (Marshall)	Quinn
Brown (Tuscaloosa)	Jones	Ramsey
Burton	Judge	Sanders
Butt	Kilburn	Stollenwerck
Capps	Lawler	Waddell
Carroll	Lee	Walden
Darden	Letson	Whatley
Doswell	Martin (Jackson)	Wheeless
Edmonds	Merrill	Wilhite
Greene	Molton	Williams
Griffith	Mulkey	Wright

—54

#### GOVERNOR'S MESSAGE.

On motion of Mr. Brown the House concurred in and adopted the governor's amendment to the bill, H. 252, said governor's amendment being as follows:

Montgomery, Ala., April 5th, 1911.

To the House of Representatives:

I herewith return House bill 252 without my approval, and suggest the following amendment to meet my objection thereto:

Amend section 1 of the bill by inserting after the figures "6573" in the second line of said section, the words "of the code of Alabama, 1907."

Emmet O'Neal,  
Governor.

Yeas, 57; nays, 0.

**Yeas:**

Messrs:—

Speaker	Jones	Popwell
Acker	Judge	Preston
Arnold	Letson	Pruett
Avery	Lloyd	Quin
Bell (Autauga)	Lumpkin	Ramsey
Bell (Pickens)	Martin (Calhoun)	Richeson
Brown (Pike)	Martin (Jackson)	Smith
Brown (Tusculloosa)	Mathews	Strickland
Burton	Merritt	Stollenwerck
Butt	Milner	Sturdivant
Capps	Moiton	Sullivan
Carroll	Mulkey	Twombly
Darden	McDonald	Waddell
Doswell	McGowen	Waites
Helms	Nicholson	Walker
Hollis (Choctaw)	Page	Wheless
Huddleston	Pharr	Wright
James	Pittman	Williams
Jenkins (Bullock)	Pitts	Wright
Johnson (Marshall)		

—57

**BILLS ON THIRD READING.**

S. 424. To authorize and direct the probate judge of Autauga county, Alabama, to hold regular terms of the county court of said county for the trial of misdemeanors as provided by article 3 of chapter 198 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

## Yeas:

## Messrs:—

Speaker	Huddleston	Nicholson
Acker	Jackson	Page
Arnold	James	Parks
Avery	Jenkins (Baldwin)	Pharr
Barnard	Johnson (Clarke)	Pittman
Bell (Autauga)	Johnson (Marshall)	Pitts
Bell (Pickens)	Jones	Preston
Brown (Pike)	Judge	Pruett
Brown (Tuscaloosa)	Lavender	Ramsey
Butt	Lawler	Rice
Capps	Lawson	Sanders
Chamberlain	Lee	Smith
Darden	Letson	Stollenwerck
Dennis	Lloyd	Sturdivant
Doswell	Martin (Calhoun)	Waddell
Greene	Martin (Jackson)	Walker
Helms	Molton	Wheeless
Hollis (Choctaw)	Mulkey	Willhite
Hollis (Walke)	McDonald	Williams
Hood	McGowen	Wright

—60

S. 304. To establish, maintain, regulate and make efficient a dispensary for Madison county, Alabama, located in the city of Huntsville.

Was taken up.

On motion of Mr. Arnold, the bill, S. 304, was laid upon the table.

## PAIRS ANNOUNCED.

Mr. Barnard announced that he was paired with Mr. Rylance. If Mr. Rylance were present he would vote yea and Mr. Barnard would vote nay.

Mr. Chamberlain announced that he was paired with Mr. Knight. If Mr. Knight were present he would vote yea and Mr. Chamberlain would vote nay.

Mr. Pitts announced that he was paired with Mr. Gewin. If Mr. Gewin were present he would vote nay and Mr. Pitts would vote yea.



S. 454. To establish an inferior court in precincts 21 and 37 lying within or partly within the city of Birmingham, Alabama, in lieu of all justices of peace in said precincts, and in lieu of all other inferior courts in lieu of justices of peace, heretofore created in said territory, and to define the jurisdiction and power of said court, and judges, clerks and other officers thereof, ~~to provide separate divisions, and provide for places~~ of holding the same.

Was read a third time at length and lost.

Yeas, 25; nays, 38.

Yeas:

Messrs:—

Barnard	Huddleston	Milner
Brewer	James	Pharr
Boswell	Jones	Sullivan
Brown (Pike)	Judge	Twombly
Butt	Lee	Waddell
Chamberlain	Martin (Calhoun)	Walker
Eastis	Martin (Jackson)	Wilhite
Griffith	Mathews	Williams
Horton		

—25

Nays:

Messrs:—

Speaker	Johnson (Marshall)	Pruett
Acker	Kilburn	Quin
Bell (Autauga)	Lawson	Ramsey
Burton	Letson	Richeson
Edmonds	Merrill	Smith
Flanagan	Merritt	Stollenwerck
Fowlkes	Molton	Sturdivant
Greene	McDonald	Waits
Helms	McGowen	Walden
Hollis (Walker)	McLendon	Whately
Hood	Parks	Wheless
Huddleston	Pitts	Wright
Johnson (Elmore)	Preston	

—38

## GOVERNOR'S MESSAGE.

On motion of Mr. Stollenwerck the House concurred in and adopted the governor's amendment to the bill, H. 79; said governor's amendment being as follows:

Montgomery, Ala., April 11th, 1911.

To the House of Representatives:

I herewith return House bill 79 without my approval, and suggest the following amendments to meet my objections thereto:

Amend Section 1 of the bill by striking out the words "motor bicycles, motorcycles," where these words occur in lines four and five of said section.

Amend section 2 of the bill by adding after the words "horse power" where said words appear in line 15 the following: "And the insurable horse power, if insured."

Amend caption to section 4 by striking out the word "or" where said word appears in said caption, and inserting in lieu thereof the word "of."

Amend section 5 by striking out the word "list" where said word appears in said section, and inserting in lieu thereof the word "lists."

Amend section 7 by striking out the word "automobile" or "automobiles" wherever said word or words appear in said section, and insert in lieu thereof the words "motor vehicle" or "motor vehicles."

Strike out the word "passenger" where said word appears in section 7 and insert in lieu thereof the word "passengers."

Amend caption to section 12 by striking out the word "or" and substituting the word "of."

Amend section 13 by striking out the words "weight in pounds" and inserting in lieu thereof the words "the insurable horse power."

Amend section 19 by striking out the word "curb" where such word appears in line 23 and inserting in lieu thereof the word "curve."

Amend section 23 by striking out the words "property holders" in line 7, and inserting in lieu thereof the words "motor vehicle owners."

Amend section 23 by inserting after the word "use" and before the word "but" in line 48 of said section, the words "or any member of his family, or other person authorized by him and otherwise qualified under the provisions of this act; provided, that such owner shall be liable for any neglect or willful injury inflicted by any such person authorized by him."

Amend section 24 by striking out the words "passed the examination" where said words appear in two places in said section, and insert in two said places the following: "Received the indorsement."

Amend section 27 by striking out the word "February" where said word appears in said section, and inserting in lieu thereof the word "October."

Amend the bill by adding section 37 1-2 as follows:  
 "Sec. 37 1-2. All fees and charges provided for by this act shall be due and payable on the first day of October 1911, and on said day for each subsequent year."

Emmet O'Neal,  
 Governor.

Yeas, 63; nays, 0.

#### Yeas:

Messrs:—

Speaker	Flanagan	Letson
Acker	Greene	Lloyd
Arnold	Griffith	Lumpkin
Barnard	Helms	Martin (Calhoun)
Bell (Autauga)	Hood	Martin (Jackson)
Beil (Pickens)	Huddleston	Milner
Boswell	Jackson	Molton
Brown (Pike)	James	McCurdy
Brown (Tuscaloosa)	Johnson (Clarke)	McDonald
Burton	Johnson (Elmore)	Nicholson
Capps	Johnson (Marshall)	Page
Carroll	Jones	Pharr
Chamberlain	Judge	Pittman
Dennis	Lavender	Pitts
Eastis	Lawler	Preston
Edmonds	Lee	Quinn

Ramsey	Sullivan	Whatley
Rice	Twombly	Wheeless
Roberson	Waddell	Wilhite
Stollenwerck	Walden	Williams
Sturdivant	Walker	Wright

—63

## GOVERNOR'S MESSAGE.

On motion of Mr. Smith the House concurred in and adopted the governor's amendment to the bill, H. 358, said governor's amendment being as follows:

Montgomery, Ala., April 11th, 1911.

To the House of Representatives:

I herewith return House bill 358 without my approval, and suggest the following amendment to meet my objection thereto:

Amend the bill by adding section 3, as follows:

"Sec. 3. Provided that the sums hereby appropriated shall be paid only on the approval of the governor, as, in his opinion, the state of the treasury may warrant. The governor may approve the payment in whole, or in part from time to time."

Yeas, 63; nays, 0.

## Yeas:

Messrs:—

Speaker	Chamberlain	Johnson (Elmore)
Acker	Darden	Johnson (Marshall)
Arnold	Dennis	Jones
Avery	Eastis	Kilburn
Bell (Autauga)	Flanagan	Lawson
Bell (Pickens)	Fuquay	Lee
Brewer	Greene	Letson
Boswell	Helms	Lumpkin
Brown (Pike)	Hollis (Choctaw)	Martin (Jackson)
Brown (Tuscaloosa)	Hood	Mathews
Bush	Huddleston	Millner
Butt	James	Molton
Carroll	Johnson (Clarke)	McDonald

McGowen	Pruett	Twombly
O'Neill	Quin	Waddell
Overton	Ramsey	Waits
Page	Rylance	Walker
Parks	Sanders	Wheeless
Pittman	Strickland	Wilhite
<del>Pitte</del>	<del>Sturdivant</del>	<del>Williams</del>
Popwell	Sullivan	Wright

—63

## MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has amended as therein shown, and as amended has passed the following House bill:

H. 603. To provide for the control, working, maintenance, building and improvement of the public roads and bridges of Shelby county.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

On motion of Mr. Sturdivant, the House concurred in the Senate amendment to the bill, H. 603, the title to which is set out in the foregoing Senate message, said Senate amendment being as follows:

Amendments to House bill 603, said bill being a bill to be entitled:

An act to provide for the control, working, maintenance, building and improvement of the public roads and bridges of Shelby county.

Amend said bill:

First. By adding after the words "commissioners court" or "court of county commissioners" or "county commissioners" wherever such words occur in said bill, the following words, to-wit: "Or board of revenue."

Second. Amend said bill by striking out that part of said bill which reads as follows: "That the commissioners court shall, at the first regular meeting aft-

er the passage of this bill elect a chief road supervisor for Shelby county, who shall hold office until the first day of January, 1913. That at the general election in 1912 a chief road supervisor for said county shall be elected whose term of office shall be for four years from the first day of January, 1913. And every four years thereafter at the general election the chief supervisor shall be elected by the qualified electors of said county, the term of office of chief supervisor being four years.

Third. Amend said bill by striking out section 2 of said bill and inserting in lieu thereof the following:

Section 2. That the commissioners court or board of revenue shall, at the first regular meeting after the passage of this act appoint a supervisor of roads for Shelby county, at such salary and for such term of office as the said commissioners court or board of revenue may fix and direct. And such supervisor of roads may be removed from office at any time, for cause, by a majority vote of the commissioners court or board of revenue. Each succeeding commissioners court or board of revenue shall appoint a supervisor of roads and fix his term of office and prescribe his compensation, remove him from office, for cause, upon a majority vote and fill any vacancy in such office occasioned by death, resignation, removal or other cause. That the compensation of the supervisor of roads for Shelby county shall be paid out of the county treasury at such times and such amounts as the commissioners court or board of revenue shall prescribe, upon warrants ordered and drawn by the commissioners court or board of revenue, such warrants to be signed by the chairman of the commissioners court or by the president of the board of revenue.

Fourth. Amend said bill by striking out the words "chief road supervisor" wherever the same occurs in said bill and inserting in lieu thereof the words "supervisor of roads."

Fifth. Amend section 12 of said bill by striking out the following words, beginning in line 4 as follows: "But if said court considers such application then the proceedings shall be in the same manner provided by the statutes of the State."

Fifth. Amend section 14 of said bill by adding after the words "county treasurer" in line four of said section, the following words: "or supervisor of roads, or his overseer on demand." Also by adding after the words "county treasurer" in line 7, the words, "supervisor or roads or overseer."

Sixth. Amend section 14 by further striking out the word "ten" in line 5 and inserting in lieu thereof, the word "two."

Seventh. Amend section 19 by adding after the words "one dollar" in line three the words "and costs."

And the amendments to House bill 603 was adopted.  
Yeas, 63; nays, 0.

#### Yeas:

##### Messrs:—

Speaker	Hollis (Choctaw)	O'Neill
Acker	Hood	Page
Arnold	Huddleston	Parks
Avery	James	Pegram
Bell (Autauga)	Jenkins (Baldwin)	Pitts
Bell (Pickens)	Johnson (Clarke)	Popwell
Brewer	Johnson (Elmore)	Pruett
Boswell	Johnson (Marshall)	Ramsey
Brown (Pike)	Judge	Richeson
Burton	Kilburn	Sanders
Bush	Lawler	Strickland
Capps	Lee	Sturdivant
Carroll	Letson	Sullivan
Cranford	Lloyd	Twombly
Dennis	Martin (Calhoun)	Waddell
Eastis	Martin (Jackson)	Walden
Flanagan	Mastin	Whatley
Fletcher	Merrill	Wheless
Fuquay	Mulkey	Wilhite
Griffith	McCurdy	Williams
Helms	Nicholson	Wright

## BILLS ON THIRD READING.

S. 323. (With amendment.) To regulate the use and preservation of oil and gas and providing penalties for the violation thereof, providing for the appointment of a suitable person, when necessary, to enforce the same and prescribing his duties, compensation and to make appropriation therefor.

Was taken up.

The question was upon the adoption of the amendment reported by the standing committee on Mining and Manufacturing said amendment being as follows:

Amend said bill as follows:

By striking out section eleven.

Amend section one by adding at the end thereof, the following: "Provided further this section shall not apply to water bearing gas wells that are necessary to keep open in order to preserve them for gas wells.

Amend section five, so as to read as follows:

"Section 5. That all lessees or operators drilling or operating for crude or petroleum oil or natural gas within this State, shall immediately, in a practical and workmanlike manner, plug all dry or abandoned oil and gas wells in which oil or gas bearing spratum has been found and in the following manner: Beginning at the bottom of the hole, same shall be solidly filled with crushed rock or sand pumpings or both to a point 25 feet above the top level of the oil or gas bearing sand; at that point a wooden plug of seasoned pine at least four feet in length and not less than one-half inch in diameter less than the inside diameter of the hole at that point shall be placed; thereafter the hole shall be filled up solidly twenty-five feet further with crushed rock or sand pumpings; thereafter another plug of seasoned pine not less than four feet in length and not less than one-half inch in diameter less than the inside diameter of the hole at that point shall be placed; thereafter the hole shall be filled up solidly twenty-five feet further with crushed rock and sand pumpings or both; provided, that when any such lessee or operator shall remove the derrick from and around such wells or aban-



don such wells, he shall plug such wells in some good and substantial manner at least ten feet below the surface and fill the same from that point to the surface with such material as will prevent the well from caving in before final abandonment.

And the amendment was adopted.

Yeas, 63; nays, 0.

### Yeas:

Messrs :—

Speaker	Horton	McLendon
Acker	Huddleston	O'Neill
Arnold	James	Parks
Barnard	Jenkins (Baldwin)	Pittman
Bell (Autauga)	Jenkins (Bullock)	Popwell
Bell (Pickens)	Johnson (Clarke)	Preston
Boswell	Johnson (Elmore)	Quinn
Brown (Pike)	Johnson (Marshall)	Ramsey
Brown (Tuscaloosa)	Jones	Rice
Burton	Judge	Richeson
Butt	Kilburn	Strickland
Carroll	Lavender	Stollenwerck
Chamberlain	Lawson	Sturdivant
Darden	Lee	Twombly
Eastis	Letson	Waddell
Edmonds	Lloyd	Waits
Flanagan	Lumpkin	Whatley
Griffith	Martin (Jackson)	Wheless
Helms	Mastin	Wilhite
Hollis (Choctaw)	Molton	Williams
Hood	McDonald	Wright

—63

And the bill:

S. 323. To regulate the use and preservation of oil and gas and providing penalties for the violation thereof, providing for the appointment of a suitable person, when necessary, to enforce the same and prescribing his duties, compensation and to make appropriation therefor.

Was read a third time at length and passed.

Yeas, 58; nays, 0.

## Yeas:

## Messrs:—

Speaker	Jenkins (Bullock)	Pitts
Acker	Johnson (Elmore)	Pruett
Arnold	Johnson (Marshall)	Quinn
Barnard	Jones	Ramsey
Bell (Autauga)	Lawson	Rice
Brewer	Letson	Smith
Brown (Pike)	Lloyd	Strickland
Brown (Tuscaloosa)	Lumpkin	Stollenwerck
Burton	Martin (Jackson)	Sturdivant
Bush	Mathews	Sullivan
Butt	Merritt	Twombly
Carroll	Milner	Waddell
Darden	Mulkey	Waites
Doswell	McDonald	Walker
Griffith	McGowen	Whatley
Helms	Nicholson	Wheless
Hollis (Walker)	Page	Wilhite
Horton	Pharr	Williams
Huddleston	Pittman	Wright
Jenkins (Bullock)		

—58

S. 442. To authorize certain incorporated educational institutions or societies, engaged in teaching and instructing in what is commonly known as professional or trained nursing, to issue to its graduates diplomas and certificates of proficiency, and to confer the degree of "Graduate Nurse."

Was read a third time at length and passed.

Yeas, 49; nays, 9.

## Yeas:

## Messrs:—

Speaker	Butt	Jackson
Acker	Darden	Jenkins (Baldwin)
Arnold	Eastis	Johnson (Elmore)
Bell (Pickens)	Edmonds	Johnson (Marshall)
Brewer	Flanagan	Jones
Brown (Pike)	Fowlkes	Judge
Brown (Tuscaloosa)	Griffith	Kilburn

Lavender	Pharr	Twombly
Lawson	Preston	Waddell
Lee	Pruett	Waits
Lloyd	Quinn	Walden
Molton	Richeson	Walker
Mulkey	Smith	Wheless
McDonald	Stollenwerck	Wilhite
<del>McGowen</del>	<del>Sturdivant</del>	<del>Williams</del>
O'Neill	Sullivan	Wright
Parks		

—49

Nays:

Messrs:—

Bush	Hood	Nicholson
Carroll	Mathews	Popwell
Chamberlain	Merritt	Strickland

—9

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The President and presiding officer of the Senate having signed the following Senate bills:

S. 176. An act to provide a manner of selling all of the property of a private corporation.

S. 222. An act to provide for the establishment of libraries in the rural, town and village schools of Alabama, to make an appropriation therefor, to provide for their maintenance and for their improvement and to authorize the commissioners' court or the board of revenue of the several counties to make an appropriation for the establishment and support of said libraries and to provide rules and regulations, under which said libraries shall be established and maintained.

S. 342. An act to amend section four of an "act to provide for the appointment of railway and street railway policemen, to prescribe their duties and compensation, and to fix the liability for the torts, acts of negligence or misconduct of such policemen," approved February 28, 1911.

S. 401. An act to re-imburse the governor's contingent fund for the amount expended in improving the capitol and grounds, and pay inauguration expenses.

S. 436. An act to authorize the governor of Alabama to sell a strip for a railroad right of way not exceeding one hundred and twenty-five feet in width across the lands of the eighth district agricultural school, located in Limestone county, Alabama, belonging to the State, and to execute a conveyance therefor to the purchaser in the name of the State, attested by the secretary of State.

S. 437. An act to authorize the superintendent of education of Alabama, subject to the approval of the governor of Alabama, to sell a strip for a railroad right of way, not exceeding one hundred and twenty-five feet in width, across the west half of the southwest quarter of section sixteen (16), township three (3) south, range four (4) west, being eighty acres of land, more or less, in Limestone county, Alabama, or any portion thereof, and to require the secretary of State to issue a patent to the purchaser upon the payment of the purchase money therefor, and to repeal all laws and parts of laws in conflict with this act, so far as the same apply to the sale of said lands, but no further.

Your signature thereto is requested.

J. A. Kyle,  
Secretary.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing message from the Senate.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from his excellency the governor, with his objections and proposing an amendment to S. 276.

S. 276. To appropriate ten thousand dollars for the purpose of constructing and equipping a dormitory and constructing or improving other school and farm buildings for the seventh district agricultural school and experiment station at Albertville, Alabama.

And the Senate has amended the bill as proposed by the governor by adopting and concurring in such proposed amendment.

Yeas, 21; nays, 1.

Which is a majority of the whole number elected to the Senate, and the Senate herewith sends said bill with the governor's message and proposed amendment herewith to the House of Representatives.

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

The House concurred in and adopted the governor's amendment to the bill S. 276, the title to which is set out in the above and foregoing message from the Senate, said governor's amendment being as follows:

Amend section 3 of the bill by adding at the end thereof the following:

"Provided, that the sum hereby appropriated shall be paid only on the approval of the governor, as, in his opinion, the state of the treasury may warrant. The governor may approve the payment in whole, or in part from time to time."

Yeas, 65; nays, 0.

Yeas:

Messrs:—

Speaker	Bush	Greene
Acker	Carroll	Hollis (Choctaw)
Arnold	Chamberlain	Hollis (Walker)
Avery	Darden	Huddleston
Brewer	Doswell	James
Brindley	Edmonds	Jenkins (Baldwin)
Brown (Pike)	Flanagan	Jenkins (Bullock)
Brown (Tuscaloosa)	Fowlkes	Johnson (Elmore)

Johnson (Marshall)	Molton	Sanders
Jones	Mulkey	Smith
Judge	McDonald	Stollenwerck
Kilburn	McGowen	Sturdivant
Knight	McLendon	Sullivan
Lawler	O'Neill	Twombly
Lawson	Parks	Waddell
Lee	Pharr	Waits
Letson	Pittman	Walden
Lumpkin	Pitts	Whatley
Martin (Calhoun)	Preston	Wheless
Martin (Jackson)	Quinn	Williams
Mathews	Ramsey	Wright
Milner	Rice	

—65

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from his excellency the governor, with his objections and proposing an amendment to:

S. 52. To appropriate money for the Alabama normal college of Livingston, Alabama.

And the Senate has amended the bill as proposed by the governor by adopting and concurring in such proposed amendment.

Yeas, 21; nays, 0.

Which is a majority of the whole number elected to the Senate, and the Senate herewith sends said bill with the governor's message and proposed amendment herewith to the House of Representatives:

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

The House concurred in and adopted the governor's amendment to the bill S. 52, the title to which is set out in the above and foregoing message from the Senate, said governor's amendment being as follows:

Amend section 2 of the bill by adding at the end thereof the following:

"Provided, that the sum hereby appropriated shall be paid only on the approval of the governor, as, in his opinion, the state of the treasury may warrant. The governor may approve the payment in whole, or in part from time to time."

Yeas, 65; nays, 0.

Yeas:

Messrs:—

Speaker	Jenkins (Bullock)	Parks
Acker	Johnson (Elmore)	Pharr
Arnold	Johnson (Marshall)	Pittman
Avery	Jones	Pitts
Brewer	Judge	Preston
Brindley	Kilburn	Quinn
Brown (Pike)	Knight	Ramsey
Brown (Tuscaloosa)	Lawler	Rice
Bush	Lawson	Sanders
Carroll	Lee	Smith
Chamberlain	Letson	Stollenwerck
Darden	Lumpkin	Sturdivant
Doswell	Martin (Calhoun)	Sullivan
Edmonds	Martin (Jackson)	Twombly
Flanagan	Mathews	Waddell
Fowlkes	Milner	Waits
Greene	Molton	Walden
Hollis (Choctaw)	Mulkey	Whatley
Hollis (Walker)	McDonald	Wheeless
Huddleston	McGowen	Williams
James	McLendon	Wright
Jenkins (Baldwin)	O'Neill	

—65

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from his excellency, the governor, with his objections and proposing an amendment to:

S. 463. To provide for the better equipment of the normal school at Daphne, Alabama, Baldwin county, and to make an appropriation therefor.

And the Senate has amended the bill as proposed by the governor by adopting and concurring in such proposed amendment.

Yeas, 25; nays, 0.

Which is a majority of the whole number elected to the Senate, and the Senate herewith sends said bill with the governor's message and proposed amendment herewith to the House of Representatives:

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

The House concurred in and adopted the governor's amendment to the bill S. 463, the title to which is set out in the above and foregoing message from the Senate, said governor's amendment being as follows:

Amend section 2 of the bill by adding at the end thereof the following:

"Provided, that the sum hereby appropriated shall be paid only on the approval of the governor, as, in his opinion, the state of the treasury may warrant. The governor may approve the payment in whole, or in part from time to time."

Yeas, 65; nays, 0.

#### Yeas:

##### Messrs:—

Speaker	Chamberlain	James
Acker	Darden	Jenkins (Baldwin)
Arnold	Doswell	Jenkins (Bullock)
Avery	Edmonds	Johnson (Elmore)
Brewer	Flanagan	Johnson (Marshall)
Brindley	Fowlkes	Jones
Brown (Pike)	Greene	Judge
Brown (Tuscaloosa)	Hollis (Choctaw)	Kilburn
Bush	Hollis (Walker)	Knight
Carroll	Huddleston	Lawler



Lawson	McLendon	Stollenwerck
Lee	O'Neill	Sturdivant
Letson	Parks	Sullivan
Lumpkin	Pharr	Twombly
Martin (Calhoun)	Pittman	Waddell
Martin (Jackson)	Pltts	Waits
Mathews	Preston	Walden
Milner	Quinn	Whatley
Molton	Ramsey	Wheless
Mulkey	Rice	Williams
McDonald	Sanders	Wright
McGowen	Smith	

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from his excellency the governor, with his objections and proposing an amendment to:

S. 278. To appropriate ten thousand dollars for the purpose of constructing and equipping a dormitory and constructing or improving other school and farm buildings for the ninth district agricultural school and experiment station at Blountsville, Alabama.

And the Senate has amended the bill as proposed by the governor by adopting and concurring in such proposed amendment.

Yeas, 24; nays, 0.

Which is a majority of the whole number elected to the Senate, and the Senate herewith sends said bill with the governor's message and proposed amendment herewith to the House of Representatives:

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

The House concurred in and adopted the governor's amendment to the bill S. 278, the title to which is set out in the above and foregoing Senate message, said governor's amendment being as follows:

Amend section 2 of the bill by adding at the end thereof the following:

"Provided, that the sum hereby appropriated shall be paid only on the approval of the governor, as, in his opinion, the state of the treasury may warrant. The governor may approve the payment in whole, or in part from time to time."

Yeas, 65; nays, 2.

### Yeas:

Messrs:—

Speaker	Jenkins (Bullock)	Parks
Acker	Johnson (Elmore)	Pharr
Arnold	Johnson (Marshall)	Pittman
Avery	Jones	Pitts
Brewer	Judge	Preston
Brindley	Kilburn	Quinn
Crown (Pike)	Knight	Ramsey
Brown (Tuscaloosa)	Lawler	Rice
Bush	Lawson	Sanders
Carroll	Lee	Smith
Chamberlain	Letson	Stollenwerck
Darden	Lumpkin	Sturdivant
Doswell	Martin (Calhoun)	Sullivan
Edmonds	Martin (Jackson)	Twombly
Flanagan	Mathews	Waddell
Fowlkes	Milner	Waits
Greene	Molton	Walden
Hollis (Choctaw)	Mulkey	Whatley
Hollis (Walker)	McDonald	Wheless
Huddleston	McGowen	Williams
James	McLendon	Wright
Jenkins (Baldwin)	O'Neill	

—65

### Nays:

Messrs:—

Fuquay	Jenkins (Baldwin)
--------	-------------------

—2

### BILLS ON THIRD READING.

S. 450. To extend the term of the senior judge of the criminal court of Jefferson county, Alabama, four years

beyond the term now fixed by law, so as to make the present term terminate in November, 1916; and to repeal such parts of section 2 of an act to establish the criminal court of Jefferson county, approved December 8, 1884, as amended by an act approved December 7, 1900, as are in conflict with the provisions of this act.

Was taken up.

Mr. Darden offered the following amendment to the bill:

Provided that the extension of the term of the senior judge of said criminal court of Jefferson shall not take effect and be effective until the proposition to extend said term shall have been submitted to the voters of Jefferson county at the next Democratic primary to be held in said county in 1912, and shall have received an affirmative vote in favor of said extension in said primary election.

On motion of Mr. Judge, the amendment was laid upon the table.

Mr. Merritt moved to table the bill, and the motion to table was lost.

Yeas, 38; nays, 48.

#### Yeas:

##### Messrs:—

Speaker	Hollis (Choctaw)	Merritt
Acker	Hollis (Walker)	Mulkey
Bell (Autauga)	Hood	Page
Bell (Pickens)	Jackson	Pittman
Brindley	James	Pitts
Boswell	Jenkins (Bullock)	Preston
Burtor	Johnson (Clarke)	Quinn
Capps	Jones	Strickland
Cranford	Lawson	Waddell
Darden	Lee	Walden
Flanagan	Lumpkin	Whately
Fowlkes	Mathews	Wheless
Fuquay	Merrill	

## Nays:

Messrs:—

Barnard	Johnson (Elmore)	Parks
Brewer	Johnson (Marshall)	Pharr
Brown (Pike)	Judge	Popwell
Bush	Kilburn	Pruett
Butt	Lavender	Ramsey
Carroll	Lawler	Roberson
Chamberlain	Letson	Smith
Dennis	Lloyd	Stollenwerck
Eastis	Martin (Jackson)	Sturdivant
Edmonds	Milner	Sullivan
Fletcher	Molton	Twombly
Greene	McDonald	Waits
Griffith	McGowen	Walker
Horton	McLendon	Willhite
Huddleston	Nicholson	Williams
Jenkins (Baldwin)	O'Neill	Wright

—48

## And the bill:

S. 450. To extend the term of the senior judge of the criminal court of Jefferson county, Alabama, four years beyond the term now fixed by law, so as to make the present term terminate in November, 1916; and to repeal such parts of section 2 of an act to establish the criminal court of Jefferson county, approved December 8, 1884, as amended by an act approved December 7, 1900, as are in conflict with the provisions of this act.

Was read a third time at length and passed.

Yeas, 46; nays, 37.

## Yeas:

Messrs:—

Avery	Eastis	Jenkins (Baldwin)
Barnard	Edmonds	Johnson (Elmore)
Brewer	Flanagan	Johnson (Marshall)
Brown (Pike)	Fletcher	Jones
Bush	Griffith	Judge
Carroll	Horton	Kilburn
Chamberlain	Huddleston	Lavender

Lawler	O'Neill	Sturdivant
Letson	Parks	Sullivan
Lloyd	Pharr	Twombly
Martin (Calhoun)	Popwell	Waites
Martin (Jackson)	Pruett	Walker
Milner	Ramsey	Willhite
McDonald	Roberson	Williams
McGowen	Smith	Wright
Nicholson		

—46

## Nays:

Messrs:—

Speaker	Helms	Mulkey
Acker	Hollis (Walker)	Page
Bell (Antauga)	Hood	Pittman
Bell (Pickens)	Jackson	Pitts
Brindley	James	Preston
Boswell	Jenkins (Bullock)	Quin
Burton	Lawson	Strickland
Butt	Lee	Stollenwerck
Capps	Lumpkin	Waddell
Cranford	Mathews	Walden
Darden	Merrill	Whatley
Fowlkes	Merritt	Wheless
Fuquay		

—37

Mr. Judge moved to reconsider the vote by which the bill S. 450 was passed, Mr. Jenkins of Baldwin, moved to table the motion of Mr. Judge, and the motion to table prevailed.

S. 196. To ratify and confirm conveyances by John Swann and John A. Billups, trustees, and by their successors. under and by virtue of an act of the General Assembly of Alabama, approved February 23, 1876, and known as the "Debt Settlement Act" (Acts 1875-6, p. 130) and to declare the trust created by that act fully executed, and confirming conveyances to the beneficiary under said trust—The Alabama State Land Company—and declaring the act public and providing its recitals shall be evidence of the facts stated, in all courts of this State.

Was read a third time at length and passed.  
Yeas, 66; nays, 0.

Yeas:

Messrs:—

Speaker	Huddleston	Pharr
Acker	Jackson	Pittman
Arnold	Jenkins (Baldwin)	Pitts
Barnard	Johnson (Marshall)	Popwell
Bell (Autauga)	Jones	Preston
Bell (Pickens)	Lawler	Pruett
Brindley	Lawson	Ramsey
Boswell	Lee	Richeson
Brown (Pike)	Letson	Smith
Burton	Lloyd	Strickland
Butt	Lumpkin	Stollenwerck
Capps	Martin (Calhoun)	Sturdivant
Chamberlain	Martin (Jackson)	Sullivan
Cranford	Mastin	Twombly
Dennis	Merrill	Waddell
Edmonds	Milner	Waits
Flanagan	Mulkey	Walden
Fowlkes	McDonald	Walker
Griffith	McGowen	Whatley
Hollis (Choctaw)	McLendon	Wilhite
Hollis (Walker)	Nicholson	Williams
Horton	O'Neill	Wright

—66

S. 246. To authorize and legalize the payment of the appropriation made by section 786 of the code of Alabama for the fiscal years ending September 30, 1908, September 30, 1909, and September 30, 1910, for the Alabama sanatorium for consumption and tuberculosis.

Was taken up.

Mr. McLendon offered the following amendment to the bill:

Amend the bill by adding the following section to the same:

Section 2. That the appropriation herein made, shall be paid only when in the judgment of the govern-

or the condition of the State treasury will permit the same.

And the amendment was adopted.

Yeas, 70; nays, 0.

Yeas:

Messrs:—

Speaker	Huddleston	Parks
Acker	Jackson	Pharr
Arnold	Jenkins (Baldwin)	Pittman
Avery	Jenkins (Bullock)	Pitta
Bell (Autauga)	Johnson (Clarke)	Popwell
Bell (Pickens)	Johnson (Elmore)	Pruett
Brown (Pike)	Johnson (Marshall)	Ramsey
Brown (Tuscaloosa)	Jones	Richeson
Burton	Judge	Rylance
Butt	Lavender	Smith
Capps	Lawson	Strickland
Carroll	Lee	Stollenwerck
Cranford	Letson	Sturdivant
Darden	Lloyd	Sullivan
Doswell	Lumpkin	Twombly
Eastis	Martin (Jackson)	Waddell
Flanagan	Merritt	Waites
Fletcher	Molton	Walker
Fuquay	Mulkey	Whatley
Greene	McDonald	Wheless
Griffith	McLendon	Wilhite
Hollis (Choctaw)	Nicholson	Williams
Hollis (Walker)	Overton	Wright
Hood		

—70

And the bill,

S. 246. To authorize and legalize the payment of the appropriation made by section 786 of the code of Alabama for the fiscal years ending September 30, 1908, September 30, 1909, and September 30, 1910, for the Alabama sanatorium for consumption and tuberculosis.

As amended was read a third time at length and passed.

Yeas, 59; nays, 1.

**Yeas:****Messrs :—**

Speaker	Jenkins (Bullock)	O'Neill
Acker	Johnson (Clarke)	Parks
Avery	Johnson (Marshall)	Pharr
Bell (Autauga)	Jones	Pittman
Bell (Pickens)	Judge	Pitts
Brindley	Kilburn	Preston
Brown (Pike)	Lawson	Pruett
Carroll	Lee	Quinn
Chamberlain	Letson	Ramsey
Cranford	Lloyd	Rice
Darden	Lumpkin	Strickland
Doswell	Martin (Calhoun)	Stollenwerck
Edmonds	Martin (Jackson)	Sturdivant
Fowlkes	Mathews	Twombly
Fuquay	Merrill	Waits
Greene	Molton	Walker
Griffith	McDonald	Whatley
Helms	McGowen	Williams
Hollis (Choctaw)	McLendon	Wright
Hood	Nicholson	

—59

**Nays:**

Mr. Sanders.

—1

S. 243. To amend section 3043 of the code of Alabama, 1907, so as to change the time of holding some of the courts in the counties in the northern division of Alabama.

Was read a third time at length and passed.

Yeas, 64; nays, 0.

**Yeas:****Messrs :—**

Speaker	Bush	Doswell
Acker	Capps	Edmonds
Arnold	Carroll	Flanagan
Barnard	Cranford	Fletcher
Bell (Autauga)	Darden	Gewin
Brindley	Dennis	Griffith



2536 JOURNAL HOUSE REPRESENTATIVES, 1911.

Helms	Lumpkin	Pruett
Hollis (Choctaw)	Martin (Calhoun)	Quinn
Hood	Martin (Jackson)	Ramsey
Horton	Mathews	Rice
James	Merritt	Sanders
Jenkins (Baldwin)	Molton	Smith
Johnson (Clarke)	Mulkey	Stollenwerck
Johnson (Elmore)	McGowen	Sturdivant
Johnson (Marshall)	McLendon	Thomas
Judge	Nicholson	Waits
Knight	O'Neill	Walden
Lawler	Page	Whatley
Lawson	Pharr	Wheeless
Lee	Pittman	Williams
Letson	Popwell	Wright
Lloyd		

—64

S. 244. To amend section 6898 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 53; nays, 3.

Yeas:

Messrs:—

Speaker	Griffith	Mathews
Acker	Helms	Merrill
Arnold	Hollis (Walker)	Molton
Barnard	Horton	McDonald
Bell (Autauga)	Jenkins (Baldwin)	McGowen
Bush	Johnson (Clarke)	O'Neill
Butt	Johnson (Marshall)	Page
Capps	Jones	Parks
Darden	Kilburn	Pharr
Dennis	Lawson	Popwell
Doswell	Lee	Preston
Flanagan	Lloyd	Ramsey
Fowlkes	Lumpkin	Strickland
Fuquay	Martin (Calhoun)	Stollenwerck
Greene	Martin (Jackson)	Sturdivant

Sullivan	Walker	Williams
Twombly	Wheless	Wright
Waits	Wilhite	

—53

Nays:

Messrs:—

Huddleston	Letson	Pruett
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—3

S. 396. To appropriate ten thousand dollars for the purpose of constructing and equipping a dormitory and constructing or improving other school and farm buildings for the Second District Agricultural school and experiment station located and situated at Evergreen, Alabama, known as the South West Alabama Agricultural School.

Was taken up.

Mr. Page offered the following amendment to the bill:

Amend section 3 of the Senate bill 396 by making said section 3 read as follows:

Section 3. The State auditor is hereby authorized and directed to draw his warrant for the appropriation herein made, payable to the treasurer of the board of control of the said southwest Alabama agricultural school, when in the opinion of the governor, the State treasury will warrant its payment, and the governor may approve the said appropriation in whole or in part.

And the amendment was adopted.

Yeas, 55; nays, 0.

Yeas:

Messrs:—

Speaker	Bush	Fowlkes
Acker	Butt	Fuquay
Avery	Capps	Greene
Barnard	Chamberlain	Griffith
Bell (Pickens)	Cranford	Helms
Brewer	Darden	Hollis (Choctaw)
Brown (Pike)	Eastis	Hollis (Walker)
Brown (Tuscaloosa)	Edmonds	Huddleston

James	McDonald	Stollenwerck
Jenkins (Bullock)	McGowen	Sturdivant
Johnson (Clarke)	Nicholson	Sullivan
Johnson (Marshall)	O'Neill	Waddell
Judge	Popwell	Waits
Letson	Preston	Walden
Martin (Calhoun)	Pruett	Walker
<b>Martin (Jackson)</b>	<b>Rice</b>	<b>Whatley</b>
Mathews	Richeson	Williams
Merritt	Sanders	Wright
Mulkey	Smith	

—56

And the bill:

**S. 396.** To appropriate ten thousand dollars for the purpose of constructing and equipping a dormitory and constructing or improving other school and farm buildings for the second district agricultural school and experiment station located and situated at Evergreen, Alabama, known as the South West Alabama Agricultural school.

As amended, was read a third time at length and passed.

Yeas, 53; nays, 2.

Yeas:

Messrs:—

Speaker	Greene	Martin (Jackson)
Acker	Helms	Mathews
Avery	Hollis (Walker)	Merritt
Barnard	Horton	Molton
Brindley	Huddleston	Mulkey
Boswell	<b>Jackson</b>	McDonald
Brown (Pike)	James	Nicholson
Brown (Tuscaloosa)	Jenkins (Bullock)	Page
Bush	Johnson (Marshall)	Pittman
Carroll	Judge	Preston
Chamberlain	Lavender	Pruett
Dennis	Lawson	Ramsey
Edmonds	Letson	Smith
Fletcher	Lumpkin	Strickland
Fowlkes	Martin (Calhoun)	Stollenwerck

Sullivan	Waits	Wheeless
Twombly	Walden	Wright
Waddell	Walker	

—53

Nays:

Messrs:—

Whatley	Wilhite
---------	---------

—2

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill:

H. 249. To amend section 6318 of the code of Alabama of 1907.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

On motion of Mr. Darden, the House concurred in and adopted the Senate amendment to the bill H. 249, the title to which is set out in the above and foregoing Senate message, said Senate amendment being as follows:

Amend by striking out the following: "For which a fee is charged by him."

Yeas, 66; nays, 0.

Yeas:

Messrs:—

Speaker	Bush	Fletcher
Acker	Butt	Fowlkes
Avery	Capps	Fuquay
Barnard	Chamberlain	Gewin
Bell (Autauga)	Cranford	Griffith
Bell (Pickens)	Darden	Hollis (Walker)
Brewer	Dennis	Hood
Boswell	Eastis	Huddleston
Brown (Tuscaloosa)	Edmonds	James

Jenkins (Baldwin)	Milner	Richeson
Jenkins (Bullock)	Molton	Sanders
Johnson (Elmore)	McDonald	Smith
Jones	McGowen	Stollenwerck
Judge	Nicholson	Sullivan
Lavender	Page	Twombly
Lawler	Pittman	Waddell
Lawson	Pitts	Waits
Lee	Popwell	Walden
Letson	Preston	Whately
Lloyd	Pruett	Wilhite
Martin (Calhoun)	Quinn	Williams
Martin (Jackson)	Rice	Wright

—66

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill:

H. 441. To empower cities of over one hundred thousand inhabitants to acquire or build, own and operate their own water works and electric light plants, and to take all the necessary steps to those ends.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

On motion of Mr. Barnard, the House concurred in and adopted the Senate amendment to the bill, H. 441, the title to which is set out in the above and foregoing Senate message, said Senate amendment being as follows:

Amend section one (1) of the bill by striking out thereof the words "or by condemnation proceedings."

Yeas, 68; nays, 0.

**Yeas:****Messrs:—**

Speaker	Hollis (Choctaw)	McLendon
Arnold	Hollis (Walker)	O'Neill
Avery	Hood	Page
Bell (Autauga)	Horton	Parks
Bell (Pickens)	Huddleston	Pittman
Brewer	Jackson	Pitts
Boswell	James	Popwell
Brown (Pike)	Jenkins (Bullock)	Pruett
Brown (Tuscaloosa)	Johnson (Elmore)	Quinn
Burton	Johnson (Marshall)	Ramsey
Bush	Jones	Rice
Butt	Judge	Sanders
Chamberlain	Lawler	Smith
Cranford	Lawson	Strickland
Darden	Letson	Stollenwerck
Dennis	Lloyd	Sturdivant
Doswell	Martin (Calhoun)	Twombly
Edmonds	Martin (Jackson)	Waddell
Flanagan	Milner	Waits
Fowlkes	Molton	Walden
Gewin	McCurdy	Walker
Greene	McDonald	Whatley
Helms	McGowen	

—68

**MESSAGE FROM THE SENATE.****Mr. Speaker:**

The Senate has concurred in and adopted the amendment, proposed by his excellency, the governor to:

H. 358. To provide for the further maintenance and support of the State normal school for colored students at Montgomery, Alabama.

Yeas, 18; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has non-concurred in the House amendment to:

S. 323. To regulate the use and preservation of oil and gas and providing penalties for the violation thereof, providing for the appointment of a suitable person; when necessary, to enforce the same and prescribing his duties, compensation and to make appropriations therefor.

And requests committee of Conference.

Committee on part of Senate: Messrs. Beasley, Vaiden and Espy.

And sends same herewith to the House.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The House acceded to the request of the Senate for a Conference committee on the disagreement of the two Houses to House amendment to S. 323, and the Speaker named as Conferees on part of the House, Messrs. Hollis of Walker, Rice and Pharr.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Fuquay:

H. J. R.-----Resolved by the House, the Senate concurring, That:

Whereas, the Legislature of Alabama has appropriated, and is yet to appropriate, large sums of money to the erection and maintenance of its several State schools and colleges, therefore be it resolved, That before the State's voucher shall be permitted to issue for such appropriations, or parts thereof, to be expended for such buildings, or their maintenance, it shall be shown that plans and specifications under sealed bids from at least three competent contractors and builders, accompanied

by 10 per cent of the bid in money, or check guaranteed, shall be enclosed payable to the State and in the event such bid is accepted by school board and such contractor or builder then fails or refuses to perform the duties outlined in plans and specifications named by such school board such 10 per cent enclosed shall be forfeited to the State of Alabama. Resolved further, That a copy of such plans, specifications and bids shall be immediately furnished the governor of Alabama for his approval, and his advisements, and the voucher shall not issue, or any part thereof until after the governor shall have been assured by a competent builder and contractor of the governor's own choosing, not connected in any way with the contract involved, that such bid or bids for acceptance are, or is in keeping with the true and conservative cost of erecting and maintaining such school building or buildings.

Resolved further, That a report of such cost of erection and maintenance of such buildings so erected shall, by the governor, be made to the next legislative session.

And the resolution was referred to the standing committee on Rules.

By Mr. Griffith:

H. J. R. ---- Resolved by the House, the Senate concurring, That when the two Houses adjourn tonight, that they stand adjourned until Friday, April 14th, 1911, and when they adjourn Friday, that they adjourn sine die.

And the resolution was referred to the standing committee on Rules.

By Mr. Hollis of Walker:

H. R. ---- Be it resolved by the House, That the Speaker of the House be requested to erase his signature from H. 714 and that the bill be re-committed to the committee on Local Legislation.

Rules suspended and resolution was adopted.

#### ERASURE OF SIGNATURE.

The Speaker of the House in pursuant to the resolution adopted erased his signature from H. 714.



## RECESS.

The hour of six o'clock having arrived, the House recessed until 8 o'clock p. m.

## NIGHT SESSION.

The hour of 8 o'clock having arrived, the House reconvened.

## BILLS ON THIRD READING.

S. 444. To regulate the inspection and use of illuminants in mines in the State of Alabama and sales of illuminants for the use in mines.

Was taken up and on motion of Mr. Rice was laid upon the table.

S. 264. To amend sections 8 and 11 of an act of the Legislature of Alabama, entitled "an act to regulate the employment of child labor in certain mills, factories and manufacturing establishments in this State, and to provide for the inspection of the rooms, places and premises wherein they are worked, and to adequately punish violations of this act," approved August 26th, 1909.

Was read a third time at length and passed.

Yeas, 52; nays, 6.

## Yeas:

## Messrs:—

Speaker	Dennis	Lawson
Acker	Fuquay	Lee
Arnold	Greene	Letson
Barnard	Griffith	Lloyd
Bell (Pickens)	Helms	Lumpkin
Boswell	Jackson	Martin (Calhoun)
Brown (Tuscaloosa)	Jenkins (Baldwin)	Martin (Jackson)
Burton	Jenkins (Bullock)	Merritt
Bush	Johnson (Clarke)	McDonald
Butt	Johnson (Elmore)	O'Neill
Chamberlain	Lavender	Page
Darden	Lawler	Parks

Pharr	Ramsey	Waddell
Pitts	Sanders	Walden
Popwell	Stollenwerck	Whately
Preston	Sturdivant	Wilhite
Pruett	Sullivan	Wright
Quinn		

—52

Nays:

Messrs:—

Brindley	Hollis (Walker)	Kilburn
Cranford	Hood	Merritt

—6

## GOVERNOR'S MESSAGE.

On motion of Mr. Chamberlain, the House concurred in and adopted the governor's amendment to the bill, H. 291, said governor's amendment being as follows:

Montgomery, Ala., April 11th, 1911.

To the House of Representatives:

I herewith return House bill 291 without my approval, and suggest the following amendments to meet my objections thereto:

Amend the caption of the bill by striking out the word "thinking" where it occurs in the 11th line of said caption and inserting in lieu thereof the word "taking."

Amend section 3 of the bill by striking out the words "carrying out" where they occur in the 32nd line of said section, and insert in lieu thereof the word "car-ing." Amend section 3 of the bill by striking out the word "and" where it occurs in the 44th line of said section, after the word "board," and before the word "revenue," and inserting in lieu thereof the word "of."

Amend section 4 of the bill by inserting in line 12 of said section after the word "and," the words "native born or."

Amend section 11 of the bill by striking out the word "contained" where it occurs in the 9th line of said section, and inserting in lieu thereof the word "contain"; and by striking out the word "in" where it occurs in

the 16th line of said section and inserting in lieu thereof the word "of."

Amend section 31 of the bill by striking out the word "devisee" in the 2nd line thereof, and inserting in lieu thereof the word "devise."

Amend section 38 of the bill by striking out the word "agreeing" where it occurs in the 6th line of said section, and inserting in lieu thereof the word "aggrieved."

Amend the bill by striking out section 49 thereof.

Amend the bill further by striking out the words "the oyster commission of Alabama" wherever they occur in any section and inserting in lieu thereof the words "Alabama oyster commission."

Emmet O'Neal,  
Governor.

Yeas, 64; nays, 0.

Yeas:

Messrs:—

Speaker	Hollis (Choctaw)	Molton
Acker	Hollis (Walker)	O'Neill
Arnold	Huddleston	Page
Barnard	Jackson	Parks
Bell (Autauga)	James	Pharr
Bell (Pickens)	Jenkins (Baldwin)	Pittman
Brindley	Jenkins (Bullock)	Pitts
Boswell	Johnson (Clarke)	Popwell
Brown (Tuscaloosa)	Johnson (Elmore)	Pruett
Burton	Johnson (Marshall)	Quinn
Bush	Kilburn	Ramsey
Butt	Lavender	Sanders
Carroll	Lawler	Smith
Chamberlain	Lawson	Strickland
Cranford	Lee	Stollenwerck
Darden	Lloyd	Sturdivant
Dennis	Lumpkin	Waddell
Eastis	Martin (Calhoun)	Waits
Edmonds	Martin (Jackson)	Walden
Flanagan	Merrill	Whately
Fuquay	Merritt	Wright
Helms		

S. 462. To amend section 2218 of the code of Alabama of 1907.

Was taken up and on motion of Mr. Jenkins of Baldwin was laid upon the table.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 667. To make the fees of constables in all the counties of the State the same as sheriff's fees when they perform in the same or similar services, except in criminal cases.

H. 222. To establish and maintain a reformatory for the benefit of delinquent white females, under the name of the "Alabama Home of Refuge"; to provide for its government; to prescribe the conditions and rules for admission thereto, and the methods by which and the conditions upon which courts, judges or magistrates may commit such females to said home, and to make an appropriation therefor.

H. 521. To amend section 733 of the code of 1907.

H. 806. To place the name of M. C. Keady, widow of the late W. G. Keady, who was a Confederate soldier, upon the pension rolls of the State of Alabama.

H. 537. To amend section five hundred and sixty-one (561) of the code of Alabama.

H. 819. To make a further appropriation to pay the per diem and mileage of the members, officers and employees of the Legislature of Alabama, and other expenses thereof for the present session.

H. 444. To provide pensions for Confederate soldiers, sailors and their widows, and for the payment and regulation of same.

H. 801. To provide a better system of public roads for Dekalb county.

H. 346. To regulate primary elections in the State of Alabama.

H. 18. To amend an act "to amend section 546 and 547 of the code of 1907," approved Aug. 26, 1909.

H. 470. To make an appropriation for the extension enlargement or improvement of the State capitol building, the furnishing of the same and to provide a building commission to have control and supervision thereof.

H. 678. To empower the mayor and board of aldermen, boards of commissioners or other governing bodies in the towns and cities of this State to contribute financial aid for the relief of employees of the fire departments, police departments and other departments, of such towns and cities who are injured while in the performance of their duties as such employees and for the relief of the dependent families of such employees who are killed while in the performance of their duties as such employees.

H. 747. To provide for the incorporation of any bishop of a diocese, existing or that may be created wholly or partly in Alabama, as a corporation sole; to define the authority and duty of such corporation, to provide for the successions of individuals therein, the administration of affairs thereof pending a vacancy in the bishopric, for the dissolution of such corporation, and for proof of things done under this act.

H. 815. To establish an additional circuit court in the county of Russell at Girard.

H. 784. To authorize the city of Mobile to convey by deed, certain lands to the United States of America.

H. 634. To amend an act entitled an act for the improvement of the roads of Tuscaloosa county, approved February 26th, 1907, by amending sections two and five of said act, and by repealing section 12 of said act, and by adding a section to be designated as section 15 to make it unlawful for any person to deaden or girdle any tree on or near a public road, or to leave standing on or near a public road any tree which has been deadened or girdled by any person who owns or has control of the land on which such tree may stand and to prescribe the punishment for violations of this section.

H. 809. To repeal section 9 of an act to establish the Walker county law and equity court, approved December 5th, 1900, as amended by section 2 of "an act (approved February 15th, 1901) to amend sections 8,

9 and 26 of an act entitled an act to establish the Walker county law and equity court, approved December 5th, 1900."

H. 662. To alter or rearrange the boundary lines of the city of Bessemer, Alabama.

H. 739. To impose a license tax of one dollar a year on each male dog and two dollars a year on each female dog over four months of age in the County of Marengo, State of Alabama, and to provide for the collection of such license tax and to provide that all live stock or poultry killed or injured and all damages done thereto, shall be paid for out of the dog tax fund, and to provide that the surplus left from the dog tax fund on the first day of April of each year shall be paid into the public school fund of said County.

H. 720. For the relief of Glidewell Brothers, to reimburse them for material furnished, and labor performed for the completion of the eighth district agricultural school building located at Athens, Limestone county, Alabama, on account of the deficiency in the appropriation of the Legislature of Alabama for the erection of said building.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment, proposed by his excellency, the governor to:

H. 79. Providing for the registration, licensing, identification, and regulation of motor vehicles operated upon the public highways of this State, and fixing liability for persons riding therein, and providing penalties and punishments for violations of the provisions of said act.

Yeas, 18; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

## BILL ON THIRD READING.

S. 326. To regulate and provide for the volunteer military forces of the State of Alabama.

Was taken up.

Mr. Merrill offered the following amendment to the bill:

Amend the bill by striking out section 12 and inserting in lieu thereof, the following:

Section 12. In commutation of the expense which each active organization of the Alabama National Guard bears in providing drill room, and a place for the safe keeping of arms and ammunition and in defraying the expenses necessary and incident to the upkeep of the organization, there shall be allowed to the commanding officer of each company, troop and battery the sum of two hundred and forty dollars per annum, and to the commanding officer of each band, the sum of three hundred dollars, payable quarterly; if the company, troop or battery have in attendance at least twenty-five (or such other number as the governor may designate) uniform privates and non-commissioned officers at such parade and drills as the governor may subscribe, and shall also otherwise keep in such state of efficiency as the governor may deem necessary to constitute an active military organization. There shall also be allowed for expense of headquarters to the Brigadier General, commanding fifty dollars per annum; to each regimental commander, one hundred and fifty dollars per annum; to each squadron or separate battalion commander, fifty dollars per annum, to be paid quarterly. To secure such allowance for any quarter, the commanding officer must make affidavit before any person authorized to administer oaths, that his organization, during the time for which the allowance is claimed, was an active, efficient military organization. Such claims so verified shall be forwarded to the adjutant general by the brigade, regimental, and squadron or separate battalion commanders; the others to the commanding officer of the regiment, squadron or separate battalion to which the company, troop,

battery or band is attached, and by him to the adjutant general, with such recommendation as deems proper. If after due consideration of the claim, he shall be satisfied that it is just, the governor shall approve the claim, and direct the auditor to draw his warrant for such amount in favor of the commanding officer aforesaid; and report must be made to the governor once each year, with the last quarterly application, as to how such money was expended, verified by vouchers showing evidence of payment of said money. Should the governor disapprove of any expenditures made therein, they shall be refunded from the next quarterly payment.

Section 2 be amended so as to read as follows:

Section 2. The staff of the commander in chief shall consist of the following officers to be appointed by him and commissioned as officers in the Alabama National Guard, holding office at his pleasure, except as may be otherwise provided. "One adjutant general who shall be chief of staff; one inspector general; one quartermaster general, each with the rank of brigadier general, and each of whom prior to their appointment, shall have served as much as two years in the Alabama National Guard, or have served in the civil or Spanish-American War, or in the United States Army; and twelve officers with the rank of colonel, who shall be detailed for duty with the several staff departments as the governor may determine for the best interests of the service, and nine aides de camp with the rank of lieutenant colonel.

And the amendment was adopted.

Yeas, 55; nays, 0.

Yeas:

Messrs:—

Speaker	Capps	Helms
Acker	Carroll	Hood
Arnold	Cranford	Horton
Barnard	Darden	Huddleston
Bush	Fuquay	Jackson
Butt	Gewin	James



# 2552 JOURNAL HOUSE REPRESENTATIVES, 1911.

Jenkins (Bullock)	Merritt	Ramsey
Johnson (Clarke)	McGowen	Roberson
Johnson (Elmore)	O'Neill	Sanders
Johnson (Marshall)	Overton	Smith
Judge	Pharr	Stollenwerck
Lane	Pegram	Sturdivant
Lavender		Sullivan
Lawson	Pittman	Waddell
Letson	Pitts	Walden
Lloyd	Popwell	Whatley
Lumpkin	Preston	Williams
Martin (Calhoun)	Pruett	Wright
Martin (Jackson)	Quinn	

—55

And the bill:

S. 326. To regulate and provide for the volunteer military forces of the State of Alabama.

As amended, was read a third time at length and passed.

Yeas, 55; nays, 0.

Yeas:

Messrs:—

Speaker	Johnson (Marshall)	Pegram
Acker	Kilburn	Pittman
Arnold	Lane	Popwell
Barnard	Lavender	Pruett
Bush	Lawler	Quinn
Butt	Lawson	Ramsey
Capps	Lee	Rice
Carroll	Letson	Roberson
Chamberlain	Lumpkin	Sanders
Darden	Martin (Calhoun)	Smith
Flanagan	Martin (Jackson)	Stollenwerck
Fowlkes	Merrill	Sturdivant
Greene	Molton	Sullivan
Huddleston	McCurdy	Waddell
Jackson	Nicholson	Whatley
James	O'Neill	Wilhite
Jenkins (Baldwin)	Overton	Williams
Jenkins (Bullock)	Page	Wright
Johnson (Elmore)		

—55

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

The committee on Enrolled bills have examined the following House bills:

H. 131. To amend section 2884 of the civil code of Alabama, relating to appeals in civil cases to the supreme court of Alabama.

H. 261. To regulate proceedings in the supreme court in cases which, in the opinion of that court, should be reversed because the judgment of a lower court is excessive, and there is, in the opinion of the supreme court, no other ground of reversal.

H. 18. To amend an act "to amend section 546 and 547 of the code of 1907," approved Aug. 26, 1909.

H. 537. To amend section five hundred and sixty-one (561) of the code of Alabama.

H. 334. To amend an act approved August 26th, 1909, entitled an act to amend section 7083 of the code of Alabama of 1907.

H. 667. To make the fees of constables in all the counties of the State the same as sheriff's fees when they perform the same or similar services, except in criminal cases.

H. 222. To establish and maintain a reformatory for the benefit of delinquent white females, under the name of the "Alabama Home of Refuge;" to provide for its government; to prescribe the conditions and rules for admission thereto, and the methods by which and the conditions upon which courts, judges or magistrates may commit such females to said home, and to make an appropriation therefor.

H. 819. To make a further appropriation to pay the per diem and mileage of the members, officers and employees of the Legislature of Alabama, and other expenses thereof for the present session.

And find same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.

## SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled bills.

## REPORT OF THE CONFERENCE COMMITTEE ON SENATE BILL 323.

To the Senate and House of Representatives:

Your Conference committee appointed by the President Pro tem of the Senate and the Speaker of the House to consider Senate bill 323 and the amendments made by the House and non-concurred in by the Senate beg leave to make the following report:

We recommend that the Senate concur in the amendments to the bill by the House to sections one and five.

We recommend that the House recede from its amendment to the bill which amendment struck out section eleven thereof.

Respectfully submitted,

C. A. Beasley, J. J. Espy, W. J. Vaiden, Committee on the part of the Senate.

J. D. Hollis, Fleetwood Rice, J. R. Pharr, Committee on the part of the House.

## CONFERENCE REPORT.

Mr. Rice moved that the House concur in and adopt the foregoing report of the committee on Conference on the disagreement of the two Houses on the House amendments to Senate bill 323 and that the House concur in and adopt such of the House amendments to said bill as the said report recommends should be concurred in and adopted and which are not therein recommended by the report of the Conference committee to be receded from.

Which motion prevailed and said Conference report was accordingly concurred in and adopted by the House.  
Yeas, 35; nays, 19.

Yeas:

Messrs:—

Speaker	Greene	McDonald
Acker	Hollis (Walke )	Ramsey
Arnold	Horton	Rice
Bell (Autauga)	Jackson	Smith
Brindley	James	Stollenwerck
Boswell	Judge	Sullivan
Brown (Pike)	Kilburn	Waddell
Brown (Tuscaloosa)	Lane	Whatley
Bush	Lawson	Wheeless
Carroll	Letson	Williams
Darden	Lloyd	Wright
Fuquay	Lumpkin	

—35

Nays:

Messrs:—

Burton	Lavender	Popwell
Cranford	Lee	Pruett
Eastis	Martin (Jackson)	Quin
Flanagan	Molton	Sturdivant
Hood	Parks	Walker
Johnson (Elmore)	Pitts	Wilhite
Johnson (Marshall)		

—19

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

S. J. R. 139. Resolved by the Senate, the House concurring, That when the two Houses adjourn today, they stand adjourned until Friday April 14th 1911.

And sends same herewith to the House.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

The House concurred in the Senate joint resolution, which is set out in the above and foregoing Senate message.

Mr. Arnold moved to take from the table S. 462. The motion prevailed and the bill:

S. 462. To amend section 2218 of the code of Alabama of 1907.

Was placed upon the regular calendar of the House.

## BILLS ON THIRD READING.

S. 144. (With amendment.) To authorize the sale of commercial fertilizers in bags, packages or barrels of the weight of one hundred pounds and to provide for the issuance of tags of the value of one and one-half cents each to be attached thereto.

Was taken up.

The question was upon the adoption of the amendment reported by the standing committee on Agriculture said amendment being as follows:

Amend section 2, line 6, by adding the following words: "And shall be numbered consecutively the same as the three cent tags."

And the amendment was adopted.

Yeas, 58; nays, 0.

Yeas:

Messrs:—

Speaker	Carroll	Johnson (Elmore)
Acker	Chamberlain	Johnson (Marshall)
Arnold	Dennis	Kilburn
Barnard	Eastis	Lane
Bell (Autauga)	Fuquay	Lavender
Bell (Pickens)	Greene	Lawler
Brindley	Griffith	Lawson
Brown (Tuscaloosa)	Hollis (Walker)	Lee
Burton	Jackson	Letson
Butt	James	Lloyd
Capps	Johnson (Clarke)	Lumpkin

Martin (Calhoun)	Popwell	Sullivan
Martin (Jackson)	Preston	Waddell
Molton	Pruett	Walden
McDonald	Roberson	Whatley
Parks	Sanders	Wheeless
Pharr	Smith	Wilhite
Pittman	Stollenwerck	Williams
Pitts	Sturdivant	Wright

—58

And the bill:

S. 144. To authorize the sale of commercial fertilizers in bags, packages or barrels of the weight of one hundred pounds and to provide for the issuance of tags of the value of one and one-half cents each to be attached thereto.

As amended was read a third time at length and passed.

Yeas, 59; nays, 0.

Yeas:

Messrs:—

Speaker	James	Parks
Acker	Jenkins (Bullock)	Pharr
Arnold	Johnson (Clarke)	Pittman
Barnard	Johnson (Elmore)	Pitts
Bell (Autauga)	Johnson (Marshall)	Popwell
Bell (Pickens)	Kilburn	Preston
Brindley	Knight	Quin
Brown (Tuscaloosa)	Lane	Ramsey
Burton	Lavender	Rylance
Butt	Lawler	Sanders
Capps	Lawson	Strickland
Carroll	Lee	Sullivan
Chamberlain	Letson	Twombly
Dennis	Lloyd	Walden
Eastis	Lumpkin	Whatley
Fuquay	Martin (Calhoun)	Wheeless
Greene	Martin (Jackson)	Wilhite
Griffith	Milner	Williams
Hollis (Walker)	McDonald	Wright
Jackson	O'Neill	

—59

S. 394. To amend section eleven hundred and twenty-eight (1128) of the code of Alabama.

Was read a third time at length and passed.

Yeas, 59; nays, 0.

Yeas:

Messrs:—

Speaker	Jenkins (Baldwin)	Page
Acker	Jenkins (Bullock)	Parks
Barnard	Johnson (Clarke)	Pittman
Bell (Autauga)	Johnson (Elmore)	Pitts
Bell (Pickens)	Johnson (Marshall)	Popwell
Brindley	Judge	Pruett
Brown (Pike)	Kilburn	Smith
Brown (Tuscaloosa)	Knight	Strickland
Butt	Lane	Stollenwerck
Capps	Lawler	Sturdivant
Carroll	Lawson	Sullivan
Chamberlain	Lee	Thomas
Cranford	Lloyd	Twombly
Darden	Lumpkin	Walker
Eastis	Martin (Calhoun)	Whatley
Helms	Martin (Jackson)	Wheless
Hood	Merrill	Wilhite
Horton	Milner	Williams
Jackson	McDonald	Wright
James	O'Neill	

—59

S. 422. To authorize women to hold the position or office of clerk of the probate court, and to exercise the powers and perform the duties of clerk of the probate court of this State.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:—

Speaker	Bush	Cranford
Arnold	Butt	Darden
Brown (Tuscaloosa)	Capps	Dennis
Burton	Carroll	Doswell

Edmonds	Kilburn	Preston
Fletcher	Lane	Pruett
Fowlkes	Lavender	Quinn
Fuquay	Lawson	Richeson
Greene	Lee	Sanders
Helms	Letson	Smith
Hollis (Choctaw)	Lloyd	Strickland
Hollis (Walker)	Lumpkin	Stollenwerck
Hood	Milner	Sturdivant
Huddleston	Mulkey	Sullivan
Jackson	O'Neill	Twombly
Jenkins (Baldwin)	Page	Whatley
Jenkins (Bullock)	Pharr	Wheeless
Johnson (Elmore)	Pittman	Wilbrite
Johnson (Marshall)	Pitts	Williams
Judge	Popwell	Wright

—60

S. 452. To amend section 12 of an act entitled an act to establish a county court for the county of Clay, approved December 13th, 1898, as amended March, 2nd, 1901, and August 6th, 1907.

Was read a third time at length and passed.

Yeas, 63; nays, 0.

Yeas:

Messrs:—

Speaker	Doswell	Lawler
Acker	Edmonds	Lawson
Arnold	Fletcher	Letson
Avery	Fowlkes	Lloyd
Bell (Autauga)	Greene	Lumpkin
Bell (Pickens)	Helms	Martin (Calhoun)
Brindley	Hollis (Choctaw)	Martin (Jackson)
Boswell	Hood	Merritt
Brown (Tuscaloosa)	James	Milner
Burton	Jenkins (Baldwin)	Mulkey
Butt	Jenkins (Bullock)	McGowen
Capps	Johnson (Clarke)	Nicholson
Carroll	Jones	Overton
Cranford	Johnson (Elmore)	Parks
Darden	Knight	Pittman



Pitts	Rylance	Waites
Popwell	Sanders	Walden
Pruett	Strickland	Whatley
Quinn	Stollenwerck	Wheeless
Ramsey	Sullivan	Wilbite
Richeson	Twombly	Wright

—63

S. 81. To provide compensation of probate judges for the preparation of poll lists and alphabetical lists of registered voters in primary elections.

Was taken up.

W<sup>r</sup>. Waddell offered the following amendment to the bill:

Amend Senate 81 by striking out section 1 and inserting in lieu thereof the following:

Section 1. Each judge of probate shall deliver or cause to be delivered to the inspectors at each voting place in the county immediately preceding each primary election, a list of the registered voters, and also a list embracing the names of all persons who have paid any poll taxes from 1901 to the first day of February next preceding such primary election, inclusive, such list to be of the same character in all respects as are required for general elections, and for such service the probate judge shall receive the same compensation as is provided by law for furnishing such lists for general elections in this State, to be paid out of the county treasury.

And the amendment was adopted.

Yeas, 49; nays, 7.

Yeas:

Messrs:—

Speaker	Cranford	James
Acker	Dennis	Jenkins (Baldwin)
Arnold	Eastis	Johnson (Clarke)
Barnard	Edmonds	Johnson (Elmore)
Butt	Hollis (Choctaw)	Johnson (Marshall)
Capps	Hood	Lane
Carroll	Huddleston	Lavender
Chamberlain	Jackson	Lawson

Lee	Parks	Stollenwerck
Letson	Pitts	Sturdivant
Lloyd	Popwell	Sullivan
Lumpkin	Pruett	Waddell
Martin (Calhoun)	Quin	Whatley
Martin (Jackson)	Ramsey	Wheeless
McCurdy	Rice	Wilhite
O'Neill	Smith	Wright
Overton		

—49

Nays:

Messrs:—

Darden	Hefms	Mathews
Fuqua	Holts (Walker)	Sanders
Griffith		

—7

And the bill:

§. 81. To provide compensation of probate judges for the preparation of poll lists and alphabetical lists of registered voters in Primary elections.

As amended, was read a third time at length and passed.

Yeas, 53; nays, 6.

Yeas:

Messrs:—

Speaker	Jackson	O'Neill
Acker	James	Overton
Arnold	Jenkins (Baldwin)	Page
Barnard	Judge	Pittman
Bell (Autauga)	Lane	Pitts
Bell (Pickens)	Lavender	Popwell
Burton	Lawler	Pruett
Butt	Lawson	Quin
Capps	Lee	Ramsey
Carroll	Letson	Rice
Dennis	Lloyd	Roberson
Eastis	Lumpkin	Smith
Hollis (Choctaw)	Martin (Calhoun)	Stollenwerck
Hollis (Walker)	Martin (Jackson)	Sturdivant
Hood	Nicholson	Sullivan

Twombly  
Waddell  
Walker

Whatley  
Wheless  
Wilhite

Williams  
Wright

—53

Nays:

Messrs:—

Fuquay

Helms

McDonald

Griffith

Johnson (Marshall)

Sanders

—6

S. 316. To provide for the examination of plumbers and to establish a board therefor, and to regulate the business of installing sanitary plumbing and supervising and inspecting plumbing in cities or towns of this State, having a population of twenty-five thousand inhabitants or more, according to the Federal census of 1910, or any subsequent Federal census, and to provide penalties for the violation of this act.

Was taken up, and on motion of Mr. Rice the bill was indefinitely postponed.

Mr. Huddleston gave notice that he or Mr. Richeson, would on the next legislative day call up for passage S. 329, either at the afternoon or night session.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment, proposed by his excellency, the governor to:

H. 291. For the preservation, protection, development and improvement of the oyster reefs and beds in the waters of Alabama; for the preservation, protection, development, encouragement and improvement of the oyster, shrimp, terrapin, turtle and other sea food products industry in the State of Alabama; to provide for the establishment of a board of commissioner, to prescribe their powers and duties, to provide for their compensation, to establish, locate and provide for the furnishing of its office; to regulate the manner and time of taking and catching oysters, shrimp, terrapin, turtle and other sea food products from the public waters and private bed-

ding grounds of the State; to prescribe and regulate the measure of oysters bought and sold in the shell; to prescribe license fees for boats engaged in taking and catching oysters, shrimp, terrapin, turtle and other sea food products; to fix and prescribe a tax upon oysters, shrimp, terrapin, turtle and other sea food products, canned, packed, shipped or sold raw or cooked; to provide for the officers, employees and agents of the commission, to prescribe their duties and powers and fix their compensation; to provide for the protection and patrol of the oyster grounds and public waters of the State; to provide for the leasing of water bottoms owned by the State; to fix penalties for the violation of the provisions of this act; to create a fund for monies arising under the provisions of this act for the purpose of defraying the expenses of the commission; to provide for obtaining twenty-five per cent of the shells produced by canning factories in the State, and generally to regulate and control the oyster, shrimp, terrapin, turtle, and other sea food products industry in the State and all matters connected therewith; to fix and prescribe a tax upon canning factories; and to fix and prescribe a privilege or business license or tax on all dealers in oysters, shrimp, terrapin, turtle and other sea food products and to provide for reports to be made to the commission by agent or representatives of transportation and express companies, and by all persons taking, catching or selling oysters, shrimp, terrapin, turtle and other sea food products.

Yeas, 18; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to:

S. 396. To appropriate ten thousand dollars for the purpose of constructing and equipping a dormitory and

constructing or improving other school and farm buildings for the second district agricultural school and experiment station located and situated at Evergreen, Alabama, known as the South West Alabama Agricultural school.

J. A. Kyle,  
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from his excellency the governor, with his objections and proposing an amendment to:

S. 161. To amend subdivision 7 of section 1678, article 1, chapter 41, of the code of 1907.

And the Senate has amended the bill as proposed by the governor by adopting and concurring in such proposed amendment.

Yeas, 19; nays, 0.

Which is a majority of the whole number elected to the Senate, and the Senate herewith sends said bill with the governor's message and proposed amendment herewith to the House of Representatives.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the governor's amendment to the bill, S. 161, the title to which is set out in the above and foregoing Senate message, said governor's amendment being as follows:

Amend the title of the bill by inserting after the words "code of," and before the figures "1907," the word "Alabama."

Amend section 1 of the bill by inserting after the word "Alabama," in the third line of said section, the following: "of 1907."

Amend section 2 of the bill by striking out the words "Provided, that the sum hereby appropriated shall be

paid out only on the approval of the governor," and inserting in lieu thereof the following: "Provided, that the annual excess of the appropriation herein made over the appropriation carried by existing laws, viz.: the sum of \$250,000 per annum, shall be paid only on the approval of the governor."

Further amend section 2 of the bill by adding at the end of said section the following: "Provided, that if the governor shall fail to approve in any year the full amount of the appropriation made for that year he may, if the condition of the treasury warrant, approve in any subsequent year or years the difference between the amount appropriated and that paid."

Yeas, 50; nays, 5.

Yeas:

Messrs:—

Acker	Huddleston	Pitts
Barnard	Jackson	Popwell
Brindley	Jenkins (Baldwin)	Pruett
Boswell	Jenkins (Bullock)	Quinn
Brown (Tuscaloosa)	Johnson (Clarke)	Ramsey
Bush	Johnson (Elmore)	Rice
Chamberlain	Johnson (Marshall)	Richeson
Cranford	Lavender	Roberson
Darden	Lawson	Smith
Edmonds	Letson	Stollenwerck
Fuquay	Lloyd	Sturdivant
Greene	Martin (Calhoun)	Sullivan
Griffith	Martin (Jackson)	Waddell
Helm	Milner	Walker
Hollis (Choctaw)	Moiton	Wheless
Hollis (Walker)	Page	Wright
Hood	Parks	

—50

Nays:

Messrs:—

Speaker	Capps	Sanders
Burton	Carroll	

—5

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from his excellency the governor, with his objections and proposing an amendment to:

S. 262. To amend section 6169 of the code of Alabama.

And the Senate has amended the bill as proposed by the governor by adopting and concurring in such proposed amendment.

Yeas, 18; nays, 0.

Which is a majority of the whole number elected to the Senate, and the Senate herewith sends said bill with the governor's message and proposed amendment herewith to the House of Representatives.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

The House concurred in and adopted the governor's amendment to the bill, S. 262, the title to which is set out in the above and foregoing Senate message, said governor's amendment being as follows:

Amend the bill by striking out the word "eighteen" where it occurs in the bill, after the word "within" and before the word "month," and insert in lieu thereof the word "twelve."

Add at the end of the bill the following: "Provided, that where the title of the widow to property bequeathed under the will is involved in litigation which is pending so that she cannot not property direct as to whether her interests require her to claim under or dissent from the will, she shall have fifteen months from the probate of the will within which to make her election."

Yeas, 60; nays, 0.

Yeas:

Messrs:—

Speaker

Acker

Arnold

Avery

Barnard

Beff (Autauga)

Bell (Pickens)

Brindley

Brown (Pike)

Brown (Tuscaloosa)	Johnson (Clarke)	Popwell
Bush	Johnson (Elmore)	Preston
Butt	Kilburn	Pruett
Carroll	Lavender	Quinn
Chamberlain	Lawler	Ramsey
Darden	Lawson	Rice
Dennis	Letson	Sanders
Eastis	Lloyd	Smith
Edmonds	Lumpkin	Stollenwerck
Fowlkes	Martin (Calhoun)	Sturdivant
Greene	Martin (Jackson)	Sullivan
Griffith	Molton	Waits
Hollis (Walker)	Mulkey	Walden
Huddleston	O'Neill	Whatley
James	Page	Wheless
Jenkins (Baldwin)	Pittman	Williams
Jenkins (Bullock)	Pitts	Wright

—60

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill:

H. 372. To amend section 13 of an act, entitled "an act to prescribe the qualifications of jurors and regulate the selection, drawing and summoning of jurors and prescribe the qualifications and provide for the appointment of jury commissioners and clerks of such commissions and regulate the empanelling of grand and petit jurors in all the courts of this State." Said act is known as the jury law and was approved August 31st, 1909.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

On motion of Mr. Chamberlain, the House concurred in and adopted the Senate amendment to the bill, H. 372, said Senate amendment being as follows:



To amend H. 372 by adding thereto the following words:

"Also members of the Alabama National Guard."

Amend by striking out the words "druggists in towns having only one drug store" and insert in lieu thereof the words "pharmacists in drug stores."

Yeas, 63; nays, 0.

### Yeas:

#### Messrs:—

Speaker	Helms	Page
Acker	Hollis (Walker)	Parks
Arnold	Huddleston	Pharr
Barnard	Jackson	Pittman
Bell (Autauga)	James	Pitts
Bell (Pickens)	Jenkins (Baldwin)	Popwell
Brewer	Johnson (Clarke)	Pruett
Brown (Pike)	Johnson (Marshall)	Quin
Brown (Tuscaloosa)	Kilburn	Ramsey
Burton	Lane	Richeson
Butt	Lawler	Sanders
Capps	Lawson	Stollenwerck
Carroll	Lloyd	Sturdivant
Chamberlain	Lumpkin	Sullivan
Darden	Martin (Calhoun)	Waddell
Dennis	Martin (Jackson)	Waites
Eastis	Merritt	Walden
Edmonds	Molton	Whatley
Fowlkes	Mulkey	Wheless
Greene	McDonald	Wright
Griffith	O'Neill	

—63

### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill:

H. 510. To amend Sections one, eight and nine of an act entitled an act to provide for the investigation of fires; to define the duties and powers of certain offi-

cials in relation thereto, and to provide means for defraying the expenses incurred under the provisions of this act, approved August 31st, 1909.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

On motion of Mr. Williams, the House concurred in and adopted the Senate amendment to the bill H. 510, said amendment being as follows:

Amend bill as follows: 1, 2, 3, and 4.

(1) Amend section 1 of said bill by adding the words "wilfully and knowingly" between the words "who" and "fails" where said words occur in line 18 of section 1 of the engrossed bill.

(2) Amend section 1 of said bill by striking out the word "for" and inserting in lieu thereof the word "false" where said word "for" occurs in line 32 of section of the engrossed bill.

(3) Amend section 1 of said bill by striking out the word "for" where the same occurs between the words "contempt" and "a" on the 1st line of the second page of said engrossed bill, and adding in lieu thereof the word "by."

(4) Amend section 9 of the bill by adding after the word "who" where the same occurs in the 1st line of said section 9 the words, "wilfully and knowingly."

Yeas, 63; nays, 0.

Yeas:

Messrs:—

Speaker	Brown (Tuscaloosa)	Edmonds
Acker	Burton	Flanagan
Arnold	Butt	Fletcher
Avery	Capps	Fuquay
Bell (Autauga)	Chamberlain	Greene
Bell (Pickens)	Cranford	Griffith
Brindley	Dennis	Helms
Boswell	Eastis	Hollis (Choctaw)

Horton	Lloyd	Quinn
Huddleston	Martin (Calhoun)	Rice
Jackson	Martin (Jackson)	Rylance
Jenkins (Baldwin)	Milner	Sanders
Jenkins (Bullock)	Molton	Strickland
Johnson (Clarke)	McLendon	Sturdivant
Johnson (Elmore)	Nicholson	Twombly
Jones	Parks	Walden
Judge	Pharr	Walker
Lane	Pittman	Wheless
Lavender	Popwell	Wilhite
Lawson	Preston	Williams
Letson	Pruett	Wright

—63

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill:

H. 600. To authorize Counties in the State of Alabama, whose bonded or other indebtedness does not exceed \$50,000 at the time of the negotiation, to borrow an amount of money not exceeding \$50,000 to be used in the building, constructing and maintaining the public roads and highways of such County, and to authorize the issuance of warrants not to extend beyond ten years in payment thereof, and to prescribe the rate of interest to be charged.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

The House concurred in and adopted the Senate amendment to the bill H. 600, said Senate amendment being as follows:

Amend section four by striking out all of the sentence beginning with the words "one tenth" and substituting in lieu thereof the following: "The sum so

borrowed with interest, in equal installments with the number of years for which the same was borrowed, which sum so set apart shall be applied to such payment."

Yeas, 55; nays, 0.

Yeas:

Messrs:—

Speaker	Griffith	Merritt
Acker	Helms	Milner
Arnold	Hollis (Walker)	Molton
Avery	Huddleston	McCurdy
Bell (Autauga)	Jackson	Nicholson
Brewer	Jenkins (Baldwin)	O'Neill
Brindley	Jenkins (Bullock)	Parks
Brown (Pike)	Johnson (Marshall)	Pittman
Brown (Tuscaloosa)	Judge	Pitts
Burton	Lavender	Popwell
Butt	Lawler	Pruett
Capps	Lawson	Ramsey
Carroll	Lee	Richeson
Cranford	Letson	Rylance
Dennis	Lloyd	Smith
Eastis	Lumpkin	Stollenwerck
Edmonds	Martin (Calhoun)	Walden
Fowlkes	Martin (Jackson)	Wright
Greene		

—55

#### BILLS ON THIRD READING.

S. 303. To amend section 4480 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs:—

Speaker	Bell (Autauga)	Boswell
Acker	Bell (Pickens)	Brown (Pike)
Arnold	Brindley	Brown (Tuscaloosa)

Burton	Johnson (Marshall)	Pittman
Butt	Judge	Pitts
Capps	Kilburn	Popwell
Carroll	Lane	Pruett
Cranford	Lavender	Quinn
Darden	Lawson	Ramsey
Eastis	Lloyd	Roberson
Edmonds	Lumpkin	Rylance
Fowlkes	Martin (Calhoun)	Smith
Fuquay	Martin (Jackson)	Strickland
Gewin	Mathews	Sullivan
Greene	Milner	Thomas
Helms	Molton	Twombly
Hollis (Choctaw)	McCurdy	Walden
Hood	Nicholson	Walker
Jackson	O'Neill	Whatley
James	Overton	Wilhite
Jenkins (Bullock)	Pharr	Williams
Johnson (Elmore)		

—64

S. 191. An act to amend section 2 of an act, entitled "An act to authorize and provide for the deposit by life insurance companies organized under the laws of this State of securities equal to or in excess of the legal reserve on or value of policies issued by them, and for the registration of such policies," approved August 17, 1909.

Was read a third time, at length and passed.

Yeas, 67; nays, 0.

Yeas:

Messrs:—

Speaker	Burton	Edmonds
Acker	Bush	Flanagan
Arnold	Butt	Fuquay
Barnard	Carroll	Helms
Bell (Autauga)	Chamberlain	Hollis (Choctaw)
Bell (Pickens)	Cranford	Hollis (Walker)
Brindley	Darden	Hood
Boswell	Dennis	Huddleston
Brown (Tuscaloosa)	Eastis	Jackson

James	Molton	Ramsey
Jenkins (Baldwin)	Mathews	Sanders
Jenkins (Bullock)	Merrill	Smith
Johnson (Clarke)	Merritt	Strickland
Johnson (Elmore)	Milner	Stollenwerck
Johnson (Marshall)	O'Neill	Sturdivant
Kilburn	Page	Waddell
Lavender	Parks	Waits
Lawler	Pharr	Walden
Lawson	Pittman	Whatley
Lee	Pitts	Wilbite
Lloyd	Popwell	Williams
Lumpkin	Pruett	Wright
Martin (Calhoun)	Quinn	

—67

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The President and presiding officer of the Senate having signed the following Senate bills:

S. 131. An act to provide regulations for the transportation of explosives by common carriers between points within the State of Alabama, and to provide penalties for the violation thereof.

S. 191. An act to amend section 2 of an act, entitled "an act to authorize and provide for the deposit by life insurance companies organized under the laws of this State of securities equal to or in excess of the legal reserve on or value of policies issued by them, and for the registration of such policies," approved August 17, 1909.

S. 206. An act to create and establish the Alabama school of trades and industry for boys and young men in teaching and training them in useful and industrial pursuits and in the arts and sciences; to provide skilled labor in this State and to enable the students of such school to acquire such education and training by means of employing a part or portion of their time and labor while in school to pay all or part of their board, lodging and tuition, and to incorporate such institution un-

der the name of "The Alabama School of Trades and Industry," with perpetual succession to have a corporate seal, and to sue and be sued in the courts of this State of competent jurisdiction as in the cases of natural persons; to create a board of control composed of five persons, which may be increased by such board to not exceeding nine persons, with right to acquire by purchase, devise, bequest or otherwise any real or personal property, or both, for the benefit of such school, and with the authority to dispose of the same or any part thereof, and to authorize an appropriation by the State to aid in the erecting of suitable school buildings and equipment, and with power to give and grant to students certificates of proficiency in their studies and certificates.

S. 244. An act to amend section 6898 of the code of Alabama.

S. 340. An act providing for a topographic survey and map of Alabama.

S. 435. An act to provide for the construction of additional buildings for the State normal school at Florence, Alabama, and for providing for the furnishing and equipment of the same, and for repairs of existing buildings, and to appropriate funds therefor.

S. 450. An act to extend the term of the senior judge of the criminal court of Jefferson county, Alabama, four years beyond the term now fixed by law, so as to make the present term terminate in November, 1916; and to repeal such parts of section 2 of an act to establish the criminal court of Jefferson county, approved December 8, 1884, as amended by an act approved December 7, 1900, as are in conflict with the provisions of this act.

S. 463. An act to provide for the better equipment of the normal school at Daphne, Alabama, Baldwin county and to make an appropriation therefor.

S. 278. An act to appropriate ten thousand dollars for the purpose of constructing and equipping a dormitory and constructing or improving other school and farm buildings for the ninth district agricultural school and experiment station at Blountsville, Alabama.

S. 442. An act to authorize certain incorporated educational institutions or societies, engaged in teaching and instructing in what is commonly known as professional or trained nursing, to issue to its graduates diplomas and certificates of proficiency, and to confer the degree of "graduate nurse."

Your signature thereto is requested.

J. A. Kyle,  
Secretary.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing message from the Senate.

#### BILLS ON THIRD READING.

S. 376. To confer upon justices of the peace jurisdiction of all offenses arising under the game and fish laws of Alabama.

Was read a third time at length and passed.

Yeas, 45; nays, 11.

Yeas:

Messrs:—

Speaker	Eastis	Lawson
Acker	Edmonds	Letson
Arnold	Flanagan	Lumpkin
Barnard	Fuquay	Martin (Calhoun)
Boswell	Greene	Martin (Jackson)
Brown (Tuscaroosa)	Griffith	Molton
Burton	Helms	Page
Butt	Hollis (Choctaw)	Pitts
Capps	Hollis (Walker)	Pruett
Carroll	James	Quin
Chamberlain	Johnson (Clarke)	Ramsey
Darden	Johnson (Marshall)	Rice



Smith	Sullivan	Wheless
Stollenwerck	Waddell	Williams
Sturdivant	Walden	Wright

—45

Nay:

Messrs:—

Brown (Pike)	Johnson (Elmore)	Merritt
Cranford	Judge	Richeson
Horton	Lavender	Whatley
Jackson	Merrill	

—11

Mr. Williams gave notice that on the next legislative day he would move to reconsider the vote by which the bill S. 376 was passed.

## REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

The committee on Enrolled bills have examined the following House bills:

H. 249. To amend section 6318 of the code of Alabama of 1907.

H. 470. To make an appropriation for the extension enlargement or improvement of the State capitol building, the furnishing of the same and to provide a building commission to have control and supervision thereof.

H. 720. For the relief of Glidewell Brothers, to reimburse them for material furnished and labor performed for the completion of the eighth district agricultural school building located at Athens, Limestone county, Alabama, on account of the deficiency in the appropriation of the Legislature of Alabama for the erection of said building.

H. 784. To authorize the city of Mobile to convey by deed, certain lands to the United States of America.

H. 809. To repeal section 9 of an act to establish the Walker county law and equity court, approved December 5th, 1900, as amended by section 2 of "An Act (Approved February 15th, 1901) to amend sections 8, 9 and 26 of an act entitled an act to establish the Walker county law and equity court, approved December 5th, 1900."

H. 815. To establish an additional circuit court in the county of Russell at Girard.

And find same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled bills.

#### BILLS ON THIRD READING.

S. 208. ( With amendment.) To provide and create a commission form of government and to permit the adoption of same in all cities in the State of Alabama which now have, or which may hereafter have, a population of more than fifteen hundred and not more than twenty-five thousand people according to the last federal census, or any federal census or municipal census which may hereafter be taken; to regulate the selection and election of commissioners, and their terms of office and retention in and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, mayors, councilmen and certain other city officials and otherwise provide for the creation and maintenance of said commission form of government.

Was taken up.

The question was upon the adoption of the amendment reported by the standing committee on Municipal Organization, said amendment being as follows:

By striking out section 3 of said bill and inserting in lieu thereof the following section:

"Section 3. Thereupon an election for the purpose of electing two commissioners for such city shall be held on the first Monday after sixty days from the date this act shall have been adopted. Not less than thirty days notice of the date and purpose of such election shall be given by the mayor of said city, which notice, at the expense of the city, shall be published once a week for four consecutive weeks prior to such election in some newspaper published in said city. At such election, two persons shall be elected to hold office as commissioners of said city; one of said commissioners to hold office for a term from the date of his election and qualification until the first Monday in October of the year next succeeding the adoption of this act, and until his successor shall be elected and shall qualify as hereinafter provided; and one of said commissioners to hold office from the date of election and qualification until the first Monday in October of the third year next after the adoption of this act, and until his successor shall be elected and shall qualify as hereinafter provided.

The mayor or chief executive of every such city at the time this act shall be adopted by the qualified electors of such city, shall be and become, as soon as the other commissioners take office as provided herein, the president of the board of commissioners of such city and the commissioner of said city, with the authority and duties hereinafter set forth, and shall hold office from the date of his becoming a commissioner under this act until the first Monday in October of the second year next after the adoption of this act and until his successor shall be elected and shall qualify as hereinafter provided. He shall qualify as a commissioner in the manner as hereinafter provided for the qualification of the commissioners as elected under this act; and the successor of such mayor or chief executive as the president of said board of commissioners shall be the president of the board of commissioners created under this act."

Amend section 4, of said bill by striking out the words:

"Two thousand," where same appear in said section, and inserting in lieu thereof, the words: "Fifteen hundred."

Amend section 5 of the bill, by striking therefrom, the following words, to-wit: "Immediately upon such commissioners taking office, they shall by a majority vote elect one of their number as president of the board of commissioners of such city and said," and inserting in lieu thereof, the following word: "the."

And the amendment was adopted.

Yeas, 39; nays, 17.

### Yeas:

Messrs:—

Speaker	James	Quinn
Acker	Jenkins (Baldwin)	Ramsey
Brown (Pike)	Johnson (Clarke)	Rice
Brown (Tuscaloosa)	Johnson (Elmore)	Roberson
Burton	Johnson (Marshall)	Smith
Chamberlain	Judge	Stollenwerck
Darden	Lane	Sturdivant
Dennis	Letson	Sullivan
Eastis	Lumpkin	Walden
Fuquay	Martin (Jackson)	Whatley
Griffith	Molton	Wheeless
Hollis (Choctaw)	Overton	Wilhite
Jackson	Page	Williams

—39

### Nays:

Messrs:—

Arnold	Hollis (Walker)	McDonald
Butt	Huddleston	Popwell
Capps	Lavender	Pruett
Carroll	Lloyd	Sanders
Doswell	Merrill	Waddell
Edmonds		

—17

Mr. Rice offered the following amendment to the bill:

Amend the bill by striking out of section 17, the following words where said words appear together in said section:

"It shall be unlawful to hold party caucus or primaries for the purpose of nominating any employee to be selected by such commissioners, and any person who shall solicit, receive or accept the party or caucus nomination for any office to be filled by said commissioners, shall thereby be rendered ineligible for such office or for any other office under said city for a period of one year thereafter."

Amend the bill by adding the following section number 28:

"Section 28. That should the provisions as to the recall of commissioners contained in section 14 of this act, or should any other section or provision of this act be held to be void, or unconstitutional, it shall not effect or destroy the validity of any other section or provision hereof which is not itself void or unconstitutional."

Amend the bill by adding at the end of section 20 the following words:

"And the governor is authorized at any time to have all the books and accounts of such city examined by a State examiner of public accounts, the cost of such examination to be paid by such city upon the presentation to the president of the board of commissioners of such city of a duly verified statement of such expenses made by such examiner of public accounts approved by the governor."

Amend the bill by adding the following section number 29:

Section 29. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

And the amendment was adopted.

Yeas, 50; nays, 6.

Yeas:

Messrs:—

Speaker	Brindley	Rush
Acker	Boswell	Butt
Arnold	Brown (Tuscaloosa)	Capps
Barnard	Burton	Carroll

Chamberlain	Johnson (Clarke)	Pitts
Darden	Johnson (Elmore)	Pruett
Eastis	Johnson (Marshall)	Quinn
Edmonds	Letson	Ramsey
Fuquay	Lumpkin	Roberson
Greene	Martin (Calhoun)	Stollenwerck
Helms	Merrill	Sturdivant
Hollis (Choctaw)	Merritt	Sullivan
Hollis (Walker)	Milner	Waddell
Huddleston	Molton	Whately
Jackson	McDonald	Wheless
Jenkins (Baldwin)	Pittman	Wright
Jenkins (Bullock)		

—50

## Nays:

Messrs:—

Cranford	Lavender	Sanders
Griffith	Richeson	Wilhite

—6

And the bill:

S. 208. To provide and create a commission form of government and to permit the adoption of the same in all cities in the State of Alabama which now have, or which may hereafter have, a population of more than fifteen hundred and not more than twenty-five thousand people according to the last Federal census, or any Federal or municipal census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, mayors, councilmen and certain other city officials and otherwise provide for the creation and maintenance of said commission form of government.

As amended was read a third time at length and passed.

Yeas, 36; nays, 19.

**Yeas:****Messrs:—**

Acker	Greene	Molton
Brindley	Griffith	Page
Brown (Tuscaloosa)	Helms	Popwell
Burton	Hollis (Choctaw)	Pruett
Capps	Jackson	Quinn
Carroll	Jenkins (Baldwin)	Rice
Chamberlain	Johnson (Clarke)	Roberson
Darden	Johnson (Elmore)	Smith
Dennis	Johnson (Marshall)	Stollenwerck
Eastis	Letson	Sullivan
Edmonds	Lumpkin	Walden
Fuquay	Merritt	Whatley

—36

**Nays:****Messrs:—**

Speaker	Lavender	Ramsey
Arnold	Lloyd	Richeson
Chamberlain	Martin (Jackson)	Sanders
Hollis (Walker)	Merrill	Sturdivant
Huddleston	McDonald	Waddell
James	Popwell	Wheless
Jenkins (Bullock)		

—19

S. 294. To ratify, confirm and legalize all acts and orders of the court of county commissioners of Wilcox county, in the payment of road overseers, appointed under the official road law of said county, approved July 25th, 1907; to ratify and legalize the payment of the convict agent appointed by said court; to ratify and legalize the hiring of teams by said overseers appointed under said act; and to legalize the payment of all warrants and orders of said court by the treasurer of said county pertaining to said road law.

Was read a third time at length and passed.

Yeas, 58; nays, 0.

## Yeas:

Messrs:—

Speaker	Hollis (Choctaw)	Page
Acker	Hollis (Walker)	Pharr
Arnold	Huddleston	Pittman
Avery	Jackson	Pitts
Bell (Autauga)	Jenkins (Baldwin)	Preston
Beil (Pickens)	Johnson (Clarke)	Ramsey
Brewer	Johnson (Elmore)	Rice
Boswell	Johnson (Marshall)	Richeson
Brown (Pike)	Kilburn	Rylance
Brown (Tuscaloosa)	Lavender	Strickland
Bush	Lawson	Stollenwerck
Butt	Lee	Sullivan
Carroll	Letson	Thomas
Chamberlain	Lloyd	Waddell
Dennis	Martin (Calhoun)	Waits
Doswell	Martin (Jackson)	Whatley
Eastis	Milner	Wheless
Fowlkes	Molton	Williams
Gewin	O'Neill	Wright
Griffith		

—58

S. 405. To amend section 5970 of the code of Alabama.

Was taken up.

Mr. Jenkins of Baldwin, moved to table the bill, and the motion to table was lost.

Yeas, 22; nays, 33.

## Yeas

Messrs:—

Brown (Tuscaloosa)	Jenkins (Baldwin)	Pruett
Burton	Johnson (Clarke)	Richeson
Bush	Johnson (Marshall)	Walden
Capps	Letson	Whatley
Carroll	Merrill	Wheless
Edmonds	Pitts	Wilhite
Helms	Popwell	Williams
Hollis (Walker)		

—22



**Nays:****Messrs:—**

Speaker	Greene	Molton
Acker	Griffith	McDonald
Arnold	Huddleston	Parks
Brewer	Jackson	Quinn
Brindley	James	Sanders
Butt	Johnson (Elmore)	Smith
Chamberlain	Judge	Stollenwerck
Cranford	Lane	Sturdivant
Darden	Lloyd	Sullivan
Dennis	Lumpkin	Waddell
Fuquay	Martin (Jackson)	Wright

—33

**And the bill:**

S. 405. To amend section 5970 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 30; nays, 23.

**Yeas:****Messrs:—**

Speaker	Dennis	Lumpkin
Acker	Greene	Molton
Arnold	Griffith	McDonald
Barnard	Huddleston	Parks
Brewer	Jackson	Quinn
Brindley	James	Smith
Butt	Johnson (Elmore)	Stollenwerck
Chamberlain	Judge	Sullivan
Cranford	Lane	Waddell
Darden	Lloyd	Wright

—30

**Nays:****Messrs:—**

Burton	Jenkins (Bullock)	Roberson
Bush	Johnson (Clarke)	Sturdivant
Capps	Johnson (Marshall)	Walden
Carroll	Letson	Whatley
Eastis	Merrill	Wheless
Edmonds	Pitts	Wilhite
Helms	Popwell	Williams
Jenkins (Baldwin)		

—23

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has non-concurred in the House amendment to:

S. 208. An act to provide and create a commission form of government and to permit the adoption of the same in all cities in the State of Alabama which now have, or which may hereafter have, a population of more than fifteen hundred and not more than twenty-five thousand people according to the last Federal census, or any Federal or municipal census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, mayors, councilmen and certain other city officials and otherwise provide for the creation and maintenance of said commission form of government.

And requests committee of Conference.

Committee on part of Senate: Messrs. Kilby, Spragins and Fite.

And sends same herewith to the House.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

The House acceded to the request of the Senate for a Conference committee on the disagreement of the two Houses, on House amendment to S. 208, and the Speaker appointed as conferees on part of the House, Messrs. Brindley, Rice and Griffith.

Mr. Wright gave notice that he would call up for passage, S. 329 on the next legislative day.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in the amendments by the House to

S. 246. To authorize and legalize the payment of the appropriation made by section 786 of the code of Alabama for the fiscal years ending September 30, 1908, September 30, 1909 and September 30, 1910 for the Alabama sanitorium for consumption and tuberculosis.

J. A. Kyle,  
Secretary.

#### ADJOURNMENT.

On motion of Mr. Sanders, the House adjourned until Friday, March 14th, 1911.

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#### FIFTIETH DAY.

House of Representatives.  
Friday, April 14th, 1911.

The House met pursuant to adjournment.

#### PRAYER.

The session was opened with prayer by Rev. Mr. Preston of the House.

#### ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs:—

Speaker	Boswell	Chamberlain
Acker	Brown (Pike)	Cranford
Arnold	Brown (Tuscaloosa)	Darden
Barnard	Burton	Dennis
Bell (Autauga)	Bush	Doswell
Bell (Pickens)	Butt	Eastis
Brewer	Capps	Edmonds
Brindley	Carroll	Flanagan

Fletcher	Lawson	Popwell
Fowlkes	Lee	Preston
Fuquay	Letson	Pruett
Gewin	Lloyd	Quinn
Greene	Lumpkin	Ramsey
Griffith	Martin (Calhoun)	Rice
Helms	Martin (Jackson)	Richeson
Hollis (Choctaw)	Maxtin	Roberson
Hollis (Walker)	Mathews	Rylance
Hood	Merrill	Sanders
Horton	Merritt	Smith
Huddleston	Milner	Strickland
Jackson	Molton	Stollenwerck
James	Mulkey	Sturdivant
Jenkins (Baldwin)	McCurdy	Sullivan
Jenkins (Bullock)	McDonald	Thomas
Johnson (Clarke)	McGowen	Twombly
Johnson (Elmore)	McLendon	Waddell
Johnson (Marshall)	Nicholson	Waits
Jones	O'Neill	Walden
Judge	Overton	Walker
Kilburn	Parks	Whatley
Knight	Pharr	Wheeless
Lane	Pegram	Wilhite
Lavender	Pittman	Williams
Lawler	Pitts	Wright

—102

A quorum was present.

#### JOURNAL.

The chairman of the standing committee on the Revision of the Journal, made the following report:

Mr. Speaker:

Your committee on the revision of the Journal, beg leave to report as follows:

We have examined the Journal for the 49th day, and find the same to be correct.

J. B. Rylance,  
Chairman.

The report of the committee was concurred in, and the Journal for the 49th day was approved.

Mr. Judge moved to take from the table S. 316 and the motion was lost.

Mr. Williams moved to reconsider the vote on the passage of S. 376, Mr. Pitts moved to table the motion of Mr. Williams, and the motion to table was lost.

Mr. Pitts moved to reconsider the vote by which S. 454 was lost, and the motion prevailed.

#### GOVERNOR'S MESSAGE.

The following message from the governor was received and the same was ordered spread upon the Journal.

Montgomery, Ala., April 14th, 1911.

To the Senate and House of Representatives:

I herewith transmit the report required by law of the commission created by the act approved August 6th, 1907.

Emmet O'Neal,  
Governor.

To the Honorable

The Legislature of Alabama.

Gentlemen:

The undersigned, members of the Horseshoe Bend Battle Commission, have the honor to submit herewith a full and detailed report, in obedience to section 3 of "an act to provide for the celebration of the one hundredth anniversary of the battle of Tohopeka or Horseshoe Bend in 1914," approved, Aug. 6, 1907. The report contains the results of the investigations made by the commission in accordance with the said act, and concludes with the recommendations proposed by the commission for carrying out the plans adopted for the celebration of the one hundredth anniversary of that historic battle in 1914.

#### MEMBERS OF COMMISSION.

The law provides that the commission shall consist of "the Governor, the director of the department of Ar-

chives and History, and of five members to be appointed by the Governor, in whom is also vested the authority to fill any vacancies caused by death, resignation, or otherwise."

On December 4, 1908, the appointive members of the commission were named by the governor as follows: Hon. Thomas L. Bulger, Dadeville; Hon. J. W. Strother, Dadeville; Judge S. L. Brewer, Tuskegee; Hon. John W. Overton, Wedowee; and Hon. Felix L. Smith, Rockford. On notice of their appointment, these several members signified their acceptance.

#### MEETINGS OF THE COMMISSION.

The commission has held three meetings, namely: February 17, 1909, at the State Capitol, Montgomery; July 3, 1909, on the Horseshoe Bend Battle Ground, Tallapoosa county; and March 14, 1911, at the State Capitol.

At the first meeting there was a full and exhaustive discussion of the work of the commission, committees were appointed, and arrangements projected for a picnic on the battle ground at some date in 1909, to be later selected. A memorial was drawn up and adopted, for submission to Congress.

The meeting of July 3, 1909, was held on the battle ground, on the date of the picnic previously authorized. Reports from committees were received, and suitable resolutions were adopted expressive of appreciation of the work of the committee in charge of the picnic.

At the meeting held on March 14, 1911, there was a still further discussion of the work of the commission, and a report to the Legislature was agreed upon. A tentative program for the celebration of the one hundredth anniversary of the battle was also drawn up, and the recommendations hereinafter set forth adopted.

#### CONGRESSIONAL AID.

Prior to the creation of the commission an agitation had been begun looking to an appropriation by Congress

for the erection of a monument, and for the establishment of a national park to include the battle ground. A bill to that effect was introduced by Hon. J. Thomas Heflin, representative from the 5th Alabama congressional district in which the battle ground is situated. Another bill was introduced by Mr. Heflin on January 16, 1909. It was in support of the latter bill that the ~~commission memorialized Congress, at its meeting on~~ February 17, 1909, as above stated. This memorial was presented to the House February 26, 1909, by Mr. Heflin; and to the Senate, March 3, 1909, by Hon. John Hollis Bankhead, Senator from Alabama. The memorial was carefully prepared, and was accompanied by a number of historical and other documents bearing upon the battle of the Horseshoe Bend, March 27, 1814, etc., etc. It appears in full in the Congressional Record for February 26, 1909, pp. 3392-3393; and also as Senate document No. 756, 60th Congress, 2nd Session. The memorial is an historical document of importance, and has been much sought after by students and libraries.

#### PICNIC JULY 3, 1909.

In planning the picnic gathering, which was held Saturday, July 3, 1909, on the battle ground, it was designed to thereby arouse both local and general interest. The effort succeeded far beyond the expectation of the commission. Messrs. Bulger, Strother and Smith were the committee in charge. The day was ideal, and not a single incident marred the exercises. The company present exceeded five thousand. It seemed as if the whole country had turned out in gala attire. Ample provisions had been made for dinner and refreshments.

Hon. Thomas L. Bulger presided over the formal exercises. Addresses were made by Governor B. B. Comer, Hon. J. Thomas Heflin, Hon. J. A. Wilkinson, and others.

During the day an exploring party, including Dr. Thomas M. Owen, Mr. S. S. Broadus, Dr. Jasper M. Slaughter, Judge R. B. Kelly, Hon. John W. Strother,

Hon. J. R. Rylance, Miss Maude McLure Kelly, and many others, was made up, and a careful examination of the battle ground made.

#### WORK OF S. S. BROADUS.

The movement resulting in the establishment of the Horseshoe Bend Battle Commission by the Legislature, grew out of the earnest agitation led by Mr. S. S. Broadus. He has continuously manifested a keen and independent interest in the work of the commission, and has always held himself in readiness to further that work in every possible way. By independent effort he has aroused much enthusiasm in the plans for the celebration of the anniversary in 1914, and he has at the same time developed many interesting items in the history of the campaigns of which this battle was the culmination.

In the early part of the present year Mr. Broadus indicated a willingness to visit Fort Gibson and vicinity, in Oklahoma, with a view to rousing still further interest on the part of the descendants of the Cherokees in the celebration, and with the further object of securing any historical material which might be available in that quarter. Under date of February 17, 1911, a formal suggestion in reference to the visit was submitted by the secretary of the commission. The trip was made during the first week of March, 1911, and a formal and full report thereof transmitted to the commission, under date of March 10th following. That report was published in full in the Montgomery Advertiser of March 19th, together with a number of illustrations, all of which has contributed in no small degree to the interest of the public in the work of the commission.

#### 100TH ANNIVERSARY CELEBRATION IN 1914.

The plans for the celebration in 1914 involve an all-day exercise on the battle field. While full details have not been worked out, it is expected that there will be a picnic or barbecue dinner. Suitable addresses



of welcome and response will be made. There will also be an oration by some speaker of more than local fame, to be devoted to the lessons of the Creek War and the campaign ending with the Horseshoe Bend Battle of March 27, 1814. It has also been proposed that an historical symposium should be held, to consist of short addresses on the historic figures of the Creek campaign. ~~All of the patriotic societies in the State will be expected to participate in the celebration.~~ The co-operation of the general government will be secured, and it is hoped that the Secretary of War can attend, and deliver one of the addresses. If provision is made for a monument by Congress, it will doubtless be ready for unveiling at this time.

#### RECOMMENDATIONS.

The commission is gratified at the very general interest which appears to be taken in the proposed celebration of the Anniversary in 1914. While the date has not yet been actually agreed upon, if whether conditions permit, it is reported that the celebration will be held on March 27, 1914, this date being the actual 100th anniversary of the date of the battle. If the plans of the commission do not fail, and if the Legislature can be induced to co-operate in a small way only in the furtherance of plans, it is felt that the celebration will not only be successfully held, but that Congress can be induced to pass the Heflin bill.

The members of the Legislature are asked to individually co-operate in arousing further interest in the celebration, and also in urging our Senators and Representatives in Congress to spare no effort to secure the appropriation for the establishment of a national park on the battle ground, and the erection of a suitable monument therein.

In view of the further fact that it will be necessary to purchase the grounds, in the event Congress should decide to establish a park, and also to enable the commission to meet sundry small incidental expenses connected with the celebration, the commission recommend

a small appropriation of such amount as may be deemed commensurate for these purposes.

Since entering upon its work, the commission has become more and more impressed with the importance of the tasks committed to it. The Battle of the Horseshoe Bend fought between the Americans and the Creek Indians, March 7, 1814, was one of the great battles of history. Although the great significance of the battle has been again and again emphasized by both the local and general historian, neither the battle nor the battlefield has received that attention either from the State or from the General Government which its importance has demanded.

Therefore, the commission has neglected no step which it is thought would contribute to the successful performance of the duties imposed.

Emmet O'Neal,

Governor of Alabama and President of the Commission.

Thomas McAdory Owen,

Director Department of Archives and History, Secretary of the Commission.

Samuel L. Brewer, Thomas L. Bulger, John W. Overton, Felix L. Smith, James W. Strother.

Horseshoe Bend Battle Park Commission.

Montgomery, Alabama, March 14th, 1911.

#### GOVERNOR'S MESSAGE.

The House concurred in and adopted the governor's amendment to the bill, H. 720, said governor's amendment being as follows:

Montgomery, Ala., April 14th, 1911.

To the House of Representatives:

I herewith return House bill 720 without my approval, and suggest the following amendments to meet my objections thereto:

Amend section 10 of the bill by striking out the period after the word "payment" in the last line of said section and inserting a comma in lieu thereof, and by

adding after the word "payment," the following: "is hereby appropriated out of any monies in the State treasury, not otherwise appropriated, for the reimbursement of the said Glidewell Brothers, and the State auditor is hereby authorized and required to draw a warrant on the State treasurer for said amount in favor of said Glidewell Brothers, and forward the same to Sanders and Thach, their attorneys, of Athens, Alabama, to be by them turned over to the beneficiaries of this act."

Emmet O'Neal,  
Governor.

Yeas 58; nays, 0.

Yeas:

Messrs:—

Speaker	Jackson	Pharr
Acker	James	Pegram
Arnold	Jones	Pittman
Avery	Judge	Pruett
Barnard	Kilburn	Quin
Brewer	Knight	Ramsey
Brindley	Lane	Rice
Boswell	Lavender	Roberson
Burton	Lawler	Sanders
Bush	Lawson	Smith
Butt	Lee	Sullivan
Capps	Letson	Thomas
Carroll	Lloyd	Twombly
Darden	Mastin	Waits
Fuquay	Mathews	Walker
Gewin	Merrill	Whatley
Greene	Merritt	Wheless
Helms	Molton	Wilhite
Hood	McCurdy	Williams
Horton		

—58

GOVERNOR'S MESSAGE.

The House concurred in and adopted the governor's amendment to the bill 768, said governor's amendment being as follows:

Montgomery, Ala., April 14th, 1911.

To the House of Representatives:

I herewith return House bill 768 without my approval, and suggest the following amendment to meet my objection thereto:

Amend the bill by adding after the word "Legislature of Alabama" in the fourth line of said bill, the following: "That Sec. 3 of an act approved August 9th, 1907, to establish a high school for Dale county to be located at Ozark, Alabama, be and the same is hereby amended so as to read as follows:"

Emmet O'Neal,  
Governor.

Yeas, 60; nays, 0.

Yeas:

Messrs:—

Speaker	Helms	Pharr
Acker	Hood	Pegram
Arnold	Horton	Plitts
Barnard	Huddleston	Popwell
Brewer	Jackson	Preston
Brindley	James	Pruett
Boswell	Jones	Quinn
Burton	Judge	Ramsey
Bush	Kilburn	Rice
Butt	Lane	Rylance
Capps	Lawler	Smith
Carroll	Lee	Sturdivant
Darden	Lloyd	Sullivan
Dennis	Lumpkin	Thomas
Doswell	Martin	Twombly
Eastis	Mathews	Waites
Fuquay	Merrill	Walden
Gewin	Milner	Whatley
Greene	Molton	Wheless
Griffith	Mulkey	Willhite

## GOVERNOR'S MESSAGE.

The House concurred in and adopted the governor's amendment to the bill H. 18, said governor's amendment being as follows:

Montgomery, Ala., April 14th, 1911.

To the House of Representatives:

I herewith return House bill 18, without my approval, and suggest the following amendments to meet my objections thereto:

Amend section 1 of the bill by striking out the word "who" in the fifth line of said section and inserting in lieu thereof the words "one of whom shall be known as chief examiner of public accounts and the other six."

Amend section 1 of the bill by inserting after the word "any" and before the word "institution" in line 12 of said section the word "persons."

Amend section 1 of the bill by adding at the end of said section the following: "Wherever the word examiner appears, it shall be deemed to include chief examiner."

Amend section 2 of the bill by inserting immediately before the word "each" in line 33 of said section the words "the chief examiner of public accounts and."

Amend section 2 of the bill by inserting after the word "and" and immediately before the word "transportation" in line 37 of said section, the words "in addition thereto all."

Amend section 2 by striking out all of lines 56, 57, 58, 59, 60, 61, 62 and 63 and the following words in line 64: "Of probate who shall receipt for them."

Amend section 2 by adding immediately after the word "work" in the 75th line of said section the words "provided that all money so received as compensation shall be, by such examiner, paid over to the insurance commissioner of Alabama and by him paid into the State treasury."

Amend section 2 of the bill by striking out the word "one" in line 75 of said section and the words "of the examiners designated by the governor" in line 76 of

said section, and inserting in lieu of all such words the words "the chief examiner."

Amend section 2 of the bill by inserting immediately after the word "immediately" in the 108th line of said section the words "provided that the chief examiner, for such extra and special duties, shall be paid out of the State treasury the additional sum of three hundred dollars (\$300), payable monthly."

Amend section 2 of the bill by striking out lines 109, 110, and 111 and the word "same" in line 112 of said section.

Emmet O'Neal,  
Governor.

Yeas, 59; nays, 0.

Yeas:

Messrs:—

Speaker	Huddleston	O'Neill
Acker	Jackson	Pegram
Arnold	James	Pittman
Barnard	Johnson (Marshall)	Pitts
Brown (Pike)	Jones	Popwell
Brown (Tuscaloosa)	Judge	Pruett
Burton	Lane	Quinn
Bush	Lawson	Ramsey
Butt	Lee	Richeson
Capps	Letson	Rylance
Carroll	Lumpkin	Sanders
Chamberlain	Martin (Calhoun)	Smith
Eastis	Martin (Jackson)	Stollenwerck
Edmonds	Milner	Sturdivant
Flanagan	Molton	Thomas
Fletcher	Mulkey	Waites
Fuquay	McCurdy	Whatley
Greene	McDonald	Wilhite
Hollis (Walker)	McGowen	Wright
Horton	McLendon	

—59

#### GOVERNOR'S MESSAGE.

The House concurred in and adopted the governor's amendment to the bill H. 131, said governor's amendment being as follows:

Montgomery, Ala., April 14th, 1911.

To the House of Representatives:

I herewith return House bill 131 without my approval, and suggest the following amendments to meet my objections thereto:

Amend the title of the bill by inserting after the words "supreme court" the words "or court of appeals."

Amend the bill by inserting after the word "supreme court" wherever they appear in the bill, the words "or court of appeals."

Emmet O'Neál,  
Governor.

Yeas, 60; nays, 0.

Yeas:

Messrs:—

Speaker	Huddleston	McLendon
Acker	Jackson	O'Neill
Arnold	James	Pegram
Barnard	Johnson (Marshall)	Pittman
Brown (Pike)	Jones	Pitts
Brown (Tuscaloosa)	Judge	Popwell
Burton	Lane	Pruett
Bush	Lawson	Quinn
Butt	Lee	Ramsey
Capps	Letson	Richeson
Carroll	Lumpkin	Rylance
Chamberlain	Martin (Calhoun)	Sanders
Eastis	Martin (Jackson)	Smith
Edmonds	Mastin	Stollenwerck
Flanagan	Milner	Sturdivant
Fletcher	Molton	Thomas
Fuquay	Mulkey	Waits
Greene	McCurdy	Whatley
Hollis (Walker)	McDonald	Wilhite
Horton	McGowen	Wright

## GOVERNOR'S MESSAGE.

The House concurred in and adopted the governor's amendment to the bill H. 699, said governor's amendment being as follows:

Montgomery, Ala., April 14th, 1911.

To the House of Representatives:

I herewith return House bill 699 without my approval, and suggest the following amendment to meet my objection thereto:

Amend section 2 of the bill by adding at the end thereof the following:

"Provided, however, that no such oral examination shall be had in cases involving less than five thousand dollars, or in cases involving the title to land or specific personal property; and provided further, that in all cases in which testimony is to be taken by interrogatories the party against whom the testimony is proposed to be taken shall within the time allowed to file cross-interrogatories have the right to demand reasonable notice of the time and place of taking the testimony and to attend such examination and cross-examine the witness or witnesses orally. And, in the event of such oral cross-examination, the other party to the cause may, at the same time and place, on the conclusion of such oral cross-examination, examine the witness orally in rebuttal.

Emmet O'Neal,  
Governor.

Yeas, 60; nays, 0.

Yeas:

Messrs:—

Speaker	Burton	Doswell
Acker	Bush	Eastis
Arnold	Butt	Edmonds
Barnard	Capps	Fletcher
Brewer	Carroll	Fowlkes
Brindley	Darden	Fuquay
Boswell	Dennis	Gewin



Greene	Lumpkin	Pruett
Griffith	Mastin	Quin
Helms	Merrill	Ramsey
Hood	Merritt	Rice
Horton	Molton	Roberson
Jackson	Mulkey	Smith
James	Nicholson	Waits
Jones	O'Neill	Walden
Judge	Pegram	Walker
Lane	Pittman	Whatley
Lawler	Pitts	Wilhite
Lawson	Popwell	Williams
Letson	Preston	Wright
Lloyd		

—60

## GOVERNOR'S MESSAGE.

The House concurred in and adopted the governor's amendment to the bill, H. 261, said governor's amendment being as follows:

Montgomery, Ala., April 14th, 1911.

To the House of Representatives:

I herewith return House bill 261 without my approval, and suggest the following amendment to meet my objections thereto:

Amend the title of the bill by inserting after the words "supreme court" wherever they occur in the said title the words "or court of appeals."

Amend section 1 of the bill by inserting after the words "supreme court" wherever they occur in said section the words "or court of appeals."

Emmet O'Neal.  
Governor.

Yeas, 63; nays, 0.

Yeas:

Messrs:—

Speaker	Brewer	Bush
Acker	Brindley	Butt
Arnold	Boswell	Capps
Barnard	Burton	Carroll

Chamberlain	Knight	O'Neill
Cranford	Lane	Overton
Darden	Lawler	Pittman
Dennis	Lawson	Pitts
Eastis	Lee	Pruett
Fuquay	Lloyd	Quinn
Gewin	Lumpkin	Rice
Griffith	Mastin	Rylance
Helms	Mathews	Sanders
Hood	Merrill	Smith
Horton	Merritt	Sturdivant
Huddleston	Milner	Thomas
Jackson	Molton	Twombly
James	Mulkey	Waddell
Jones	McCurdy	Wilhite
Judge	McGowen	Williams
Kilburn	Nicholson	Wright

—63

## GOVERNOR'S MESSAGE.

The House concurred in and adopted the governor's amendment to the bill, H. 126, said governor's amendment being as follows:

Montgomery, Ala., April 14th, 1911.

To the House of Representatives:

I return herewith House bill 126 without my approval and suggest the following amendment to meet my objection thereto:

Amend section 2 of the bill by adding thereto the following:

"Provided, that the sum hereby appropriated shall be payable only on the approval of the governor; who, as in his opinion the state of the treasury warrants, may approve the same in whole, or in part from time to time."

Emmet O'Neal,  
Governor.

Yeas, 59; nays, 0.

Yeas:

Messrs:—

Speaker	Gewin	Mulkey
Acker	Greene	O'Neill
Arnold	Helms	Overton
Barnard	Hood	Pittman
Brewer	Horton	Pitts
Brindley	Jackson	Preston
Boswell	Jones	Pruett
Burton	Judge	Quinn
Bush	Kilburn	Rice
Butt	Knight	Rylance
Capps	Lane	Sanders
Carroll	Lawler	Smith
Cranford	Lawson	Sturdivant
Darden	Lee	Thomas
Dennis	Letson	Watts
Doswell	Lloyd	Walker
Eastis	Mastin	Whatley
Fletcher	Mathews	Wheless
Fowlkes	Merrill	Wilhite
Fuquay	Molton	

—59

## GOVERNOR'S MESSAGE.

The House concurred in and adopted the governor's amendment to the bill, H. 384, said governor's amendment being as follows:

Montgomery, Ala., April 14th, 1911.

To the House of Representatives:

I herewith return House bill 384 without my approval, and suggest the following amendments to meet my objections thereto:

Amend the title of the bill by striking out all that follows the word "act" in the first line of said title down to the word "be" in said title, and inserting in lieu thereof the following:

"To provide for State aid, regulation and supervision of the Mercy Home Industrial School for Girls, located at Birmingham, Alabama."

Amend section 6 of the bill by striking out from lines one and two of said section the words "the appropriation provided in."

Emmet O'Neal,  
Governor.

Yeas, 60; nays, 0.

Yeas:

Messrs:—

Speaker	Griffith	Milner
Acker	Helms	Mulkey
Arnold	Hood	O'Neill
Barnard	Horton	Overton
Brewer	James	Pittman
Brindley	Jones	Pitts
Boswell	Judge	Pruett
Burton	Kilburn	Quinn
Bush	Knight	Rice
Butt	Lane	Roberson
Capps	Lavender	Rylance
Carroll	Lawler	Sanders
Cranford	Lawson	Smith
Darden	Lee	Sturdivant
Dennis	Letson	Sullivan
Doswell	Lloyd	Thomas
Eastis	Lumpkin	Twombly
Fletcher	Mastin	Waits
Fuquay	Merrill	Walden
Gewin	Merritt	Walker
Greene		

—60

#### GOVERNOR'S MESSAGE.

The House concurred in and adopted the governor's amendment to the bill, H. 667, said governor's amendment being as follows:

Montgomery, Ala., April 14th, 1911.

To the House of Representatives:

I herewith return House bill 667 without my approval, and suggest the following amendment to meet my objection thereto:

Amend section 1 of the bill by adding thereto the following:

"The provisions of this act shall become effective on the expiration of the present terms of office of the officials affected thereby."

The bill without this amendment would controvert Sec. 68 of the Constitution, which prohibits the Legislature from altering the fees or compensation of public officers during their terms of office.

Emmet O'Neal,  
Governor.

Yeas, 64; nays, 0.

Yeas:

Messrs:—

Speaker	Griffith	Merritt
Acker	Helms	Milner
Arnold	Hood	Molton
Barnard	Horton	Mulkey
Brewer	Huddleston	O'Neill
Brindley	Jackson	Overton
Boswell	James	Pittman
Burton	Jones	Pitts
Bush	Judge	Preston
Butt	Kilburn	Pruett
Capps	Knight	Quinn
Carroll	Lane	Ramsey
Cranford	Lavender	Rice
Darden	Lawler	Rylance
Dennis	Lawson	Smith
Doswell	Lee	Twombly
Eastis	Lloyd	Waddell
Edmonds	Lumpkin	Waits
Fletcher	Mastin	Walden
Fuquay	Mathews	Walker
Gewin	Merrill	Williams
Greene		

—64

#### GOVERNOR'S MESSAGE.

The House concurred in and adopted the governor's amendment to the bill, H. 249, said governor's amendment being as follows:

Montgomery, Ala., April 14th, 1911.

To the House of Representatives:

I herewith return House bill 249 without my approval, and suggest the following amendment to meet my objection thereto:

Amend by adding at the end thereof the following: "not less than one hundred nor more than one thousand dollars."

Emmet O'Neal,  
Governor.

Yeas, 60; nays, 0.

Yeas:

Messrs:—

Speaker	Horton	Pegram
Acker	Jones	Pitts
Arnold	Judge	Preston
Barnard	Thurn	Pruett
Brewer	Knight	Quin
Brindley	Lane	Ramsey
Boswell	Lavender	Rice
Burton	Lawler	Rylance
Bush	Lawson	Sanders
Butt	Lee	Smith
Capps	Lloyd	Thomas
Carroll	Lumpkin	Waddell
Chamberlain	Mastin	Waits
Cranford	Merrill	Walden
Darden	Merritt	Walker
Dennis	O'Neill	Whatley
Gewin	Overton	Wheless
Griffith	Page	Wilhite
Helms	Parks	Williams
Hood	Pharr	Wright

—60

#### BILLS ON THIRD READING.

S. 88. To amend section 3912 of the code.

Was read a third time, at length and passed.

Yeas, 56; nays, 3.

**Yeas:****Messrs:—**

Speaker	Gewin	Merrill
Acker	Greene	Milner
Arnold	Griffith	Mulkey
Barnard	Helms	Overton
Brewer	Hood	Pittman
Brindley	Horton	Pitts
Boswell	Huddleston	Preston
Burton	Jackson	Pruett
Bush	James	Quinn
Butt	Jones	Ramsey
Capps	Judge	Rice
Carroll	Lane	Richeson
Cranford	Lawler	Roberson
Darden	Lee	Rylance
Dennis	Letson	Sanders
Eastis	Lloyd	Smith
Edmonds	Lumpkin	Walker
Flanagan	Mastin	Williams
Fowlkes	Mathews	

—56

**Nays:****Messrs:—**

Fuquay	Strickland	Sturdivant
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—3

S. 89. To amend section 2486 of the code.  
 Was read a third time, at length and passed.  
 Yeas, 56; nays 1.

**Yeas:****Messrs:—**

Speaker	Darden	Hood
Acker	Eastis	Horton
Arnold	Edmonds	Huddleston
Barnard	Fletcher	Jackson
Brewer	Fuquay	James
Boswell	Gewin	Jones
Burton	Greene	Judge
Capps	Griffith	Kilburn
Carroll	Helms	Knight

Lane	Overton	Sullivan
Lee	Pegram	Thomas
Lloyd	Pitts	Twombly
Lumpkin	Rice	Waddell
Mastin	Richeson	Waites
Mathews	Roberson	Walden
Merrill	Rylance	Walker
Merritt	Sanders	Williams
Milner	Smith	Wright
McGowen	Sturdivant	

—56

Nays:

Mr. Sturdivant.

—1

S. 90. To amend section 3910 of the code.

Was taken up.

The question was upon the adoption of the amendment reported by the standing committee on Revision of Laws, said amendment being as follows:

Amend Senate bill 90 by inserting after the word "received" in the fifth line thereof, the words, "In the State of Alabama."

On motion of Mr. Pitts, the amendment was laid upon the table and the bill:

S. 90. To amend section 3910 of the code.

Was read a third time, at length and passed.

Yeas, 54; nays, 2.

Yeas:

Messrs:—

Speaker	Edmonds	Jones
Acker	Fletcher	Judge
Arnold	Gewin	Kilburn
Barnard	Greene	Knight
Brewer	Griffith	Lane
Boswell	Helms	Lawler
Burton	Hood	Lee
Bush	Horton	Lloyd
Butt	Huddleston	Lumpkin
Cranford	Jackson	Mastin
Eastis	James	Mathews



Merrill	Pruett	Waits
Merritt	Quinn	Walden
Milner	Rice	Walker
Molton	Rylance	Whatley
Parks	Stollenwerck	Wheless
Pegram	Thomas	Wilhite
Pitts	Twombly	Williams

—54

Nays :

Messrs :—

Fuquay

Wright

—2

## MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has amended as therein shown, and as amended has passed the following House bill:

H. 150. For the relief of the bank of Ensley, a partnership composed of Erskine Ramsey and G. B. McCormick of the county of Jefferson, State of Alabama, in the matter of the loss or destruction of certain described interest coupons on Alabama State bonds.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

The House concurred in and adopted the Senate amendment to the bill, H. 150, said Senate amendment being as follows:

Amend House bill 150 by adding at the end thereof the following:

“Provided said bank of Ensley, a partnership composed as aforesaid of Erskine Ramsay and G. B. McCormack enter into and execute a bond with two good and sufficient sureties in the sum of one thousand dollars payable to the State of Alabama and to be approved by the State treasurer conditioned upon the reimbursement and repayment to the State of Alabama of

any loss that may accrue to it in the event said coupons or any of them shall be found and paid by said State."

Yeas, 59; nays, 0.

Yeas:

Messrs:—

Speaker	Griffith	Mulkey
Arnold	Helms	O'Neill
Barnard	Hood	Page
Bell (Pickens)	Horton	Pitts
Brewer	Huddleston	Preston
Boswell	Jackson	Pruett
Buttor	James	Quinn
Bush	Jones	Rice
Butt	Judge	Rylance
Capps	Kilburn	Smith
Carroll	Knight	Sullivan
Cranford	Lane	Thomas
Darden	Lawler	Twombly
Eastis	Lawson	Waddell
Flanagan	Lee	Waits
Fletcher	Letson	Walden
Fowlkes	Lloyd	Walker
Fuquay	Lumpkin	Willhite
Gewin	Mastin	Wright
Greene	Merrill	

—59

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 723. To fix the times and places of holding the chancery courts in the northeastern chancery division of Alabama.

H. 807. To amend section 2169 of the code of Alabama.

H. 480. To amend an act to amend section 1650 of the code of 1907, approved August 26, 1909.

H. 774. To create and establish the Andalusia City court of law and equity for Covington county.

H. 773. To repeal the act creating the city court of Andalusia, for Covington county, Alabama, passed during the 1907 session of the Legislature of Alabama, entitled "An act to create, establish and maintain an inferior court of record in and for the county of Covington; to define and provide for the powers, jurisdiction and procedure thereof and to provide for officers thereof and their compensation," and to abolish said court; to provide for the disposition of the pending and adjudicated causes of all kinds in said court and the process, appeals, costs, bonds, securities and records and files of the same; to regulate the bringing, filing, transferring and appealing of causes and prosecution in said court; and to fix the time that this act shall become effective.

H. 290. For the relief of Mary Gossett of Marshall county.

H. 751. To amend section 1261 of the code of 1907. And returns same herewith to the House.

J. A. Kyle,  
Secretary.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

S. J. R. 140. Whereas, the substitute to H. 321, was reported by the Senate committee on Fees and Salaries, as shown by the Senate Register and Calendar, and

Whereas, said substitute was never called on the passage of the bill, but was mislaid and overlooked in the secretary's desk invalidating said bill,

Resolved by the Senate, the House concurring, That the governor be requested to return to the Senate H. 321, for the purpose of reconsideration of the passage of said bill, and the consideration of said substitute.

And sends same herewith to the House.

J. A. Kyle,  
Secretary.

REPORT OF CONFERENCE COMMITTEE APPOINTED TO CON-  
SIDER S. 208.

To the Senate and House of Representatives:

The joint committee on Conference appointed by the President pro tem of the Senate and the Speaker of the House to consider Senate bill 208 and the amendments made thereto by the House and non-concurred in by the Senate beg to make the following report:

(1) We recommend that the House recede from its amendment striking out of section 17 the following words where said words appear together in said section: "It shall be unlawful to hold party caucus or primaries for the purpose of nominating any employee to be selected by such commissioners, and any person who shall solicit, receive or accept a party or caucus nomination for any office to be filled by said commissioners shall thereby be rendered ineligible for such office, or for any other office under said city for a period of one year thereafter."

(2) We further recommend that the House recede from its amendment to section 3 of said bill.

(3) We further recommend that the House recede from its amendment to section 4 of said bill, and that the following be adopted in lieu thereof:

"Amend section 4 of said bill by striking out the words "two thousand" where the same appear in said section and inserting in lieu thereof the words "one thousand."

(4) We further recommend that the House recede from its amendment to section 5 of the bill.

(5) We further recommend that section 16 of the bill be amended by striking out the words "three hundred" where they occur therein and inserting in lieu thereof the words "one hundred."

(6) We further recommend that all of the other amendments made by the House to said bill be concurred in.

Respectfully submitted,

Thos. E. Kilby,  
Ernest B. Fite,  
Robt. E. Spragins,

Committee on Part of the Senate..

A. A. Griffith,  
Fleetwood Rice,

Committee on Part of the House.

I do not agree to this report.

A. R. Brindley,  
Of the House Committee.

#### REPORT OF CONFERENCE COMMITTEE.

On motion of Mr. Rice, the House concurred in and adopted the report of the Conference committee:

Yeas, 42; nays, 37.

#### Nays:

Messrs:—

Speaker	Horton	Nicholson
Acker	Jackson	O'Neill
Bell (Pickens)	James	Overton
Brewer	Jones	Parks
Boswell	Judge	Pegram
Burton	Kilburn	Pitts
Bush	Lane	Quin
Capps	Lawler	Rice
Cranford	Lee	Roberson
Dennis	Lloyd	Thomas
Eastis	Lumpkin	Waits
Gewin	Mastin	Walker
Helms	Merrill	Wheless
Hood	Molton	Williams

Yeas:

Messrs:—

Arnold	Fuquay	Pittman
Barnard	Greene	Popwell
Bell (Autauga)	Griffith	Pruett
Brindley	Hollis (Walker)	Richeson
Brown (Pike)	Jenkins (Baldwin)	Rylance
Brown (Tuscaloosa)	Johnson (Clarke)	Sanders
Butt	Johnson (Marshall)	Smith
Chamberlain	Lavender	Waddell
Darden	Lawson	Walden
Edmonds	Letson	Whatley
Flanagan	Mathews	Wilhite
Fletcher	Mulkey	Wright
Fowlkes		

—37

S. 67. To amend section 5897 of the code of Alabama of 1907.

Was taken up, and on motion of Mr. Williams, the bill S. 67 was indefinitely postponed.

## BILLS ON THIRD READING.

S. 182. To amend section 8 of the code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:—

Speaker	Cranford	Hood
Acker	Darden	Horton
Arnold	Dennis	Huddleston
Barnard	Doswell	Jackson
Brewer	Eastis	James
Boswell	Edmonds	Jones
Burton	Flanagan	Judge
Bush	Gewin	Kilburn
Butt	Greene	Knight
Capps	Griffith	Lane
Carroll	Helms	Lawler

Lee	Mulkey	Smith
Lloyd	Overton	Waddell
Lumpkin	Pitts	Waites
Mastin	Pruett	Walden
Mathews	Quinn	Walker
Merrill	Rice	Whatley
Merritt	Roberson	Wheeless
Milner	Ryance	Willhite
Molton	Sanders	Williams

—60

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment, proposed by his excellency the governor to:

H. 720. For the relief of Glidewell Brothers, to reimburse them for material furnished, and labor performed for the completion of the eighth district agricultural school building located at Athens, Limestone county, Alabama, on account of the deficiency in the appropriation of the Legislature of Alabama for the erection of said building.

Yeas, 23; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from his excellency the governor, with his objections and proposing an amendment to:

S. 176. To provide a manner of selling all of the property of a private corporation.

And the Senate has amended the bill as proposed by the governor by adopting and concurring in such proposed amendment.

Yeas, 19; nays, 0.

Which is a majority of the whole number elected to the Senate, and the Senate herewith sends said bill with the governor's message and proposed amendment herewith to the House of Representatives.

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

The House concurred in and adopted the governor's amendment to the bill, S. 176, the title to which is set out in the above and foregoing Senate message, said governor's amendment being as follows:

Amend the bill by adding at the end of section 1 the following:

"Provided, that ten days' notice of such stockholders meeting shall be given in writing prior thereto, and that the purpose for which the meeting is called shall be stated in the notice."

Yeas, 63; nays, 0.

Yeas:

Messrs:—

Speaker	Helms	Pharr
Acker	Hood	Pegram
Barnard	Jackson	Percy
Brewer	James	Pittman
Brindley	Jones	Pitts
Boswell	Judge	Popwell
Bush	Kilburn	Preston
Butt	Knight.	Pruett
Capps	Lane	Quinn
Carroll	Lawler	Rice
Chamberlain	Lawson	Rylance
Cranford	Lee	Sanders
Darden	Letson	Smith
Dennis	Lloyd	Sullivan
Doswell	Lumpkin	Waits
Eastis	Mastin	Walden
Flanagan	Merrill	Walker
Fuquay	Merritt	Whatley
Gewin	Mulkey	Willhite
Greene	Page	Williams
Griffith	Parks	Wright



## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the report of the Conference committee on the disagreement of the two Houses on House amendment to Senate bill 208.

S. 208. To provide and create a commission form of government and to permit the adoption of the same in all cities in the State of Alabama which now have, or which may hereafter have, a population of more than fifteen hundred and not more than twenty-five thousand people according to the last Federal census, or any Federal or municipal census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, mayors, councilmen and certain other city officials and otherwise provide for the creation and maintenance of said commission form of government.

And the Senate has concurred in and adopted such of the House amendments to said bill as the said report recommends should, be concurred in and adopted and not receded from.

J. A. Kyle,  
Secretary.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment, proposed by his excellency, the governor to:

H. 768. To amend section 3 of an act approved August 9, 1907, to establish a high school for Dale county, to be located at Ozark, Alabama.

Yeas, 18; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment, proposed by his excellency, the governor, to:

H. 18. To amend an act "to amend section 546 and 547 of the code of 1907," approved Aug. 26, 1909.

Yeas, 17; nays, 1.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

S. 61. To amend section 3257 of the code of Alabama.

Was taken up, and on motion of Mr. Lavender, the bill was laid upon the table.

Mr. Rice moved to reconsider the vote on S. 316, and the motion was lost.

## BILLS ON THIRD READING.

S. 20. To amend section 3164 of the code of Alabama of 1907.

Was taken up.

The following amendment was offered by Mr. Mulkey:

Amend Senate bill 20 by striking out the following words in line 20: "A final decree in said cause" and insert in lieu thereof, the following words: "Such decree as the pleadings and proof authorizes."

On motion of Mr. Arnold, the amendment was laid upon the table, and the bill:

S. 20. To amend section 3164 of the code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 63, nays, 0.

Yeas:

Messrs:—

Speaker	Barnard	Boswell
Acker	Brewer	Brown (Pike)
Arnold	Brindley	Brown (Tuscaloosa)

Burton	Hood	Milner
Bush	Horton	O'Neill
Butt	Huddleston	Overton
Capps	Jackson	Pitts
Carroll	James	Popwell
Chamberlain	Jones	Preston
Cranford	Judge	Pruett
Darden	Knight	Quinn
Dennis	Lane	Rice
Doswell	Lawler	Smith
Eastis	Lee	Sturdivant
Edmonds	Letson	Sullivan
Flanagan	Lloyd	Thomas
Fletcher	Lumpkin	Twombly
Fowlkes	Mastin	Waddell
Greene	Mathews	Walden
Griffith	Merrill	Wheless
Helms	Merritt	Wilhite

—63

S. 487. To amend section 7803 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 55; nays, 0.

Yeas:

Messrs:—

Speaker	Helms	Merritt
Arnold	Hood	Mulkey
Barnard	Horton	O'Neill
Brewer	Huddleston	Overton
Brindley	Jackson	Page
Boswell	James	Parks
Burton	Jones	Pharr
Butt	Judge	Pegram
Carroll	Kilburn	Pittman
Cranford	Knight	Pitts
Dennis	Lee	Popwell
Fuquay	Lloyd	Preston
Gewin	Lumpkin	Pruett
Greene	Mastin	Quinn
Griffith	Mathews	Rice

Rylance	Walden	Wheeless
Sturdivant	Walker	Wilhite
Sullivan	Whatley	Williams
Waits		

—55

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 670. To provide bail pending on appeal in all felony cases where the defendant is sentenced to the penitentiary for a term of five years or less.

H. 606. To establish an inferior court in precinct 9 in Jefferson county, Alabama, in lieu of all justices of the peace and notaries public with powers of justice of the peace in said precinct and to define the jurisdiction and powers of said court and the judge thereof.

H. 728. To appropriate the sum of \$606.00 to Marshall & Bruce Company, Nashville, Tenn., contractors for publication of the code of Alabama, 1907.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment, proposed by his excellency, the governor to:

H. 699. To amend sections 4031 and 4032 of the code of Alabama.

Yeas, 18; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment, proposed by his excellency, the governor to:

H. 261. To regulate proceedings in the supreme court in cases which, in the opinion of that court, should be reversed because the judgment of a lower court is excessive, and there is, in the opinion of the supreme court, no other ground of reversal.

Yeas, 21; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment, proposed by his excellency, the governor to:

H. 131. To amend section 2884 of the civil code of Alabama, relating to appeals in civil cases to the supreme court of Alabama.

Yeas, 20; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment, proposed by his excellency, the governor to:

H. 249. To amend section 6318 of the code of Alabama of 1907.

Yeas, 18; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment, proposed by his excellency, the governor to:

H. 126. To make appropriation for buildings, machinery, equipment and other necessary improvements at the Alabama industrial school for white boys.

Yeas, 18; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment, proposed by his excellency, the governor to:

H. 667. To make the fees of constables in all the counties of the State the same as sheriff's fees when they perform in the same or similar services, except in criminal cases.

Yeas, 18; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

S. 460. To establish a reformatory and industrial school for negro juvenile delinquents; to provide for its name, maintenance and government; to prescribe what delinquent children shall be admitted thereto; and further to provide what delinquent children shall be sent to and kept therein; to regulate their detention and discharge.

Was taken up.

On motion of Mr. Huddleston, the bill was laid upon the table.

GOVERNOR'S MESSAGE.

The House concurred in and adopted the governor's amendment to the bill, H. 371, said governor's amendment being as follows:

Montgomery, Ala., April 14th, 1911.

To the House of Representatives:

I herewith return House bill 371 without my approval, and suggest the following amendment to meet my objections thereto:

Amend section 1 of the bill by adding after the words "Greene, Pickens, Sumter and Tuscaloosa," where they occur in said section, the words "Fayette and Lamar"; and by striking out the words "Fayette and Lamar" where they occur after the words "Fourteenth circuit" and before the words "Walker and Winston," in said section.

Amend the bill by striking out section 2 thereof.

Amend section 3 by striking out the figure "3" following the word "Section" and inserting in lieu thereof the figure "2."

Emmet O'Neal,  
Governor.

Yeas, 59; nays, 0.

Yeas:

Messrs:—

Speaker	Helms	Page
Acker	Hood	Parks
Arnold	Horton	Pharr
Barnard	Huddleston	Pitts
Brewer	Jackson	Popwell
Boswell	James	Preston
Burton	Jones	Pruett
Bush	Knight	Quin
Carroll	Lawler	Rice
Cranford	Lee	Rylance
Dennis	Letson	Sanders
Eastis	Lloyd	Smith
Edmonds	Lumpkin	Sullivan
Flanagan	Mastin	Twombly
Fletcher	Mathews	Waits
Fowlkes	Merrill	Walden
Fuquay	Milner	Walker
Gewin	Mulkey	Whatley
Greene	McGowen	Willhite
Griffith	O'Neill	

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following Hopse bill:

H. 596. To prohibit the running or operation for pay or profit of what is commonly known as a pool room or billiard room, or any place where pool or billiards are allowed to be played for pay or profit in Tallapoosa county, Alabama, outside the limits and police jurisdiction of any incorporated city or town therein, and to fix a punishment for a violation of the act.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

The House concurred in and adopted the Senate amendment to the bill, H. 596, said Senate amendment being as follows:

Amend House bill 596 by adding the following section:

"Section 3. This act shall not go into effect until January 1st, 1912."

Yeas, 59; nays, 0.

Yeas:

Messrs:—

Speaker	Darden	James
Arnold	Dennis	Jones
Barnard	Doswell	Judge
Brewer	Eastis	Kilburn
Brindley	Flanagan	Knight
Boswell	Fletcher	Lane
Burton	Gewin	Lawler
Bush	Greene	Lee
Butt	Helms	Lloyd
Capps	Hood	Lumpkin
Carroll	Horton	Mastin
Cranford	Jackson	Mathews



Merritt	Pruett	Waits
Milner	Quinn	Walker
Molton	Rice	Whatley
Mulkey	Rylance	Wheless
Overton	Sanders	Willhite
Pharr	Smith	Williams
Pitts	Thomas	Wright
Preston	Twombly	

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment, proposed by his excellency, the governor to:

H. 384. An act to make an appropriation for the maintenance and support of the Mercy Home Industrial School for girls located at Birmingham, Alabama, for the years 1911, 1912, 1913 and 1914, and also to provide for the commitment of delinquent white girls in Alabama between the ages of 12 and 16 years inclusive by the courts of the State which may have jurisdiction over juvenile delinquents, and to provide for their control and support while there, and also to provide that the governor and the attorney general of the State shall be ex-officio members of the board of managers of said school.

Yeas, 25; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

## BILLS ON THIRD READING.

S. 359. To appropriate twenty-five thousand dollars (\$25,000.00) to be used by the oyster commission of Alabama, as provided for by law, in fostering, protecting, improving, developing and regulating the oyster industry of Alabama. In conserving the oyster resources of the State and in making the barren oyster bottoms productive.

Was taken up.

The following substitute was offered for the bill:

Amend Senate bill 359 as amended by substituting for the words "oyster commission of Alabama" wherever they appear in the caption and body of said bill, the following words "Alabama oyster commission."

Amend Senate bill 359 so as to read as follows:

#### A BILL

To be entitled an act to appropriate fifteen thousand dollars (\$15,000.00) to be used by the Alabama oyster commission, as provided for by law, in fostering, protecting, improving, developing and regulating the oyster industry of Alabama. In conserving the oyster resources of the State and in making the barren oyster bottoms productive.

Whereas, the State of Alabama possesses natural oyster resources more valuable than any State in the Union, owing to the climate and advantages and a river system which furnishes the lime and food organism necessary to constitute perfect conditions for oyster culture and growth, and,

Whereas, the fostering care of this State is urgently needed to restore the State oyster industry and place it on a parity with the State of Mississippi, which has appropriated the sum of forty thousand dollars (\$40,000.00) for its industry, that the people of Alabama may enjoy the benefits to be derived from intelligently conserving one of its most valuable neglected resources; one which will furnish a cheap food product possessing marked nutritive therapeutic properties, and,

Whereas, the oyster industry of Alabama, which can be made to provide profitable employment for thousands of the people of this State, and can be made a direct source of revenue of great magnitude to the State is languishing, and,

Whereas, the Alabama oyster commission, a body, created by the General Assembly of this State for the purpose of regulating, improving, fostering and devel-

oping the oyster industry of Alabama is entirely without means with which to prosecute its work, possessing neither office, office furniture, maps, charts, boats for its employees, or equipments of any kind, such as are provided by other States employing oyster commissions, therefore,

Section 1. Be it enacted by the Legislature of Alabama, that there is appropriated out of the funds of this State not otherwise appropriated, the sum of fifteen thousand dollars (\$15,000.00) to be used by the Alabama oyster commission, as provided for by law, in fostering, protecting, improving, developing and regulating the oyster industry of Alabama; in conserving the oyster resources of the State and in making the barren oyster bottoms productive.

Section 2. The State auditor of this State, when directed by the governor, is hereby authorized and directed to draw his warrant in favor of the Alabama oyster commission for the payment out of any funds in the State treasury not otherwise appropriated, the sum of seventy-five hundred dollars (\$7,500.00) during the year 1911, and the further sum of seventy-five hundred dollars (\$7,500.00) during the year 1912; provided, however, that the said payments shall be made only when in the discretion of the governor, the condition of the State treasury warrants the same; and provided further that if the payment of said sums be postponed beyond the years named, the governor may order the payment of the same at any time thereafter when in his judgment the condition of the treasury is such as to warrant the same.

And the substitute was adopted.

Yeas, 58; nays, 3.

Yeas:

Messrs:—

Speaker	Brindley	Capps
Acker	Boswell	Cranford
Arnold	Burton	Darden
Barnard	Bush	Dennis
Brewer	Butt	Eastis

Flanagan	Lane	Pitts
Fuquay	Lawler	Preston
Gewin	Lawson	Pruett
Greene	Lloyd	Quin
Griffith	Lumpkin	Ramsey
Helms	Mastin	Rice
Hood	Mathews	Roberson
Horton	Merrill	Sanders
Jackson	Milner	Sullivan
James	McCurdy	Waddell
Jones	Nicholson	Waltes
Judge	Overton	Walker
Kilburn	Pharr	Wheeless
Knight	Pittman	Williams

—58

Nays:

Messrs:—

Sturdivant

Twombly

Wright

—3

Mr. Chamberlain offered the following amendment to the bill:

Amend Senate bill 359 as amended by substituting for the words "oyster commission of Alabama" wherever they appear in the caption and body of said bill, the following words "Alabama Oyster Commission."

And the amendment was adopted.

Yeas, 63; nays, 2.

Yeas:

Messrs:—

Speaker	Cranford	Jackson
Acker	Eastis	James
Arnold	Fletcher	Jones
Barnard	Fuquay	Kilburn
Brewer	Gewin	Lane
Brindley	Greene	Lawler
Boswell	Griffith	Lee
Burton	Helms	Lloyd
Bush	Hood	Lumpkin
Butt	Horton	Mastin
Carroll	Huddleston	Mathews

Merrill	Preston	Strickland
Merritt	Pruett	Stollenwerck
Molton	Quin	Sullivan
Mulkey	Ramsey	Thomas
McDonald	Rice	Waits
McLendon	Richeson	Walker
Nicholson	Roberson	Whatley
Parks	Rylance	Wheeless
Pegram	Sanders	Wilhite
Pittman	Smith	Wright

—63

Messrs:—

Popwell                      Sturdivant

—2

S. 359. To appropriate twenty-five thousand dollars, (\$25,000.00) to be used by the oyster commission of Alabama, as provided for by law, in fostering, protecting, improving developing and regulating the oyster industry of Alabama. In conserving the oyster resources of the State and in making the barren oyster bottom productive.

As amended was read a third time at length and passed.

Yeas, 63; nays 2.

Yeas:

Messrs:—

Speaker	Dennis	Kilburn
Acker	Eastis	Knight
Arnold	Edmonds	Lane
Barnard	Flanagan	Lavender
Brewer	Fletcher	Lawler
Brindley	Fowlkes	Lawson
Boswell	Gewin	Lee
Burton	Greene	Letson
Bush	Helms	Lloyd
Butt	Hood	Lumpkin
Capps	Horton	Mastin
Carroll	Jackson	Mathews
Cranford	Jones	Merrill
Darden	Judge	Merritt

Milner	Quin	Twombly
Moiton	Rice	Waddell
Overton	Roberson	Walden
Parks	Sanders	Whatley
Pharr	Smith	Wheeless
Pittman	Strickland	Wilhite
Pitts	Sullivan	Williams

—63

Nays:

Messrs:—

Popwell

Sturdivant

—2

## GOVERNOR'S MESSAGE.

The House concurred in and adopted the governor's amendment to the bill, H. 346, said governor's amendment being as follows:

Montgomery, Ala., April 14th, 1911.

To the House of Representatives:

I herewith return House bill 346 without my approval, and suggest the following amendments to meet my objections thereto:

Amend the bill by striking out section 21 thereof.

Amend section 24 of the bill by striking out the word "twenty" where the same appears in the first line thereof and inserting in lieu thereof the words "not less than twenty nor more than sixty;" and by striking out the word "ten," where it first appears in said section, and inserting in lieu thereof the words "not less than ten nor more than thirty."

Amend section 37 of the bill by striking out the words "greater than one county" where they appear in said section.

Amend the bill by adding thereto the following sections, numbered respectively 54, 55 and 56.

"Section 54. No candidate for public office, to be nominated in a primary election, shall make or give any promise of appointment to any political position or public office in return for political support of his candidacy; no candidate shall promise to pay or reward an-

other, in any manner, to induce such other person to refrain or cease from being a candidate in any primary election; no person, or persons or organization, either political, religious or other kind, shall invite or solicit from any candidate, any payment of money or other contribution, during his candidacy. This shall apply to soliciting any candidate to purchase tickets to any entertainment, or subscribe for any advertising or other space in any book, program, periodical or other publication, or any other character or public subscription. No corporation shall pay or contribute any money or other thing of value to aid or promote the nomination of any person in any primary election; no candidate shall pay the expense of the transportation of a voter, or his loss of time in attending the polls for the purpose of participating in the primary election; no candidate shall pay any worker or workers at the polls during the day of any primary election. It shall be unlawful for any candidate to pay the owner, publisher, or agent of a newspaper any money for the purpose of inducing such owner, publisher or agent, to aid or oppose any candidate for nomination. That the author and every other person participating in the printing, and knowingly assisting in the circulation of any letter, circular, postal or bill containing any false statement or charge reflecting upon the personal character, morality or integrity of any candidate, shall be guilty of criminal libel, but in any prosecution therefor, the truth of the statements made may be placed in evidence only upon it being shown by competent evidence that at least one day prior to the circulation of such letter, circular, postal or bill containing such false statement, the printer, publisher, author or circulator thereof served upon the candidate affected thereby, a written copy of such statement or charge; that it shall be unlawful for any person to circulate, print or write, or otherwise send out, any letter, circular, bill or postal affecting any candidate, unless such letter, circular, bill or postal shall bear, somewhere on its face, the name and address of the author, printer, publisher or circulator thereof. That all amounts expended by each candidate in furthering his candidacy, or which may be spent by

his campaign manager or his campaign committee, shall be itemized in so far as practicable, and filed in the office of the secretary of State of Alabama within thirty days after the declaration of the result of the primary election, provided that if the office be one voted upon by the voters of only one county, then such statement shall be filed in the office of the judge of probate of such county. This statement shall be signed by the candidate himself, and also by the chairman or secretary of his campaign committee if he had one, and shall be sworn to before some competent officer. That it shall be unlawful, during the progress of any primary election, for any person, at any point within one hundred yards of such polling place, to serve free or give away, any food or drink of any kind, except water, to any voter. Each person, firm or corporation employing labor shall on the day of any primary election permit any qualified elector in their employment to leave his labor or service for a reasonable time to attend the polls and cast his ballot at such primary election without imposing any forfeiture of any part of his wages or salary for the time so lost in attending the polls."

"Section 55. That the county executive committee of any party whose candidate for governor at the next preceding general election for governor received twenty-five per centum of the votes cast in such county for all candidates for governor, whenever it deems it desirable or necessary, may require an enrollment of the voters of such party in such county at a time not less than twenty days nor greater than ninety days from the date of holding any general primary election, and at such general primary election only those voters of the political party who are thus lawfully enrolled shall be permitted to participate therein. This enrollment shall be made by a committee of three qualified party voters designated by the chairman of the county executive committee, or governing authority of such party in such county. Such enrolling committee shall visit at least once in each precinct in the county to enroll the names of all persons who shall appear and request such enrollment, and who are entitled thereto. In the event



that any applicant is refused enrollment, then upon his sworn statement that he is a qualified voter of the county and possesses the qualifications prescribed by the party calling the primary election, then his name shall thereupon be enrolled upon said list of party voters. Any person who willfully and falsely makes any such sworn statement shall be guilty of perjury. Before visiting any precinct, such enrolling committee shall by at least two publications in some newspaper of the county give at least twenty days' notice of the time and place when they will appear in such precinct for the purpose of making such enrollment. They shall also keep their books open at the county seat for the last five days within which enrollment may be had next preceding the holding of the primary election, but no enrollment shall be permitted on the day of the primary election. Voters entitled to enrollment in any precinct in the county may be enrolled at any time or place where any lawful enrollment is being held. Each enrolled voter shall be given a certificate signed by such enrolling committee or by a majority thereof, showing the date of his enrollment, the date of the primary election for which his enrollment is had and the precinct in which his name is enrolled and the party to which he belongs. Each applicant for enrollment shall give his name, the post office address and the number of his voting precinct, and where there are two or more voting places in any one precinct, he shall as far as practicable give the voting place in his precinct at which he is entitled to vote. The lists of names enrolled shall be arranged by the enrolling committee alphabetically by precinct and voting place. A copy of such alphabetical precinct list shall be filed by the enrolling committee with the chairman of the county executive committee at least five days prior to the day of the holding of the primary election for which the enrollment is made. Such chairman shall furnish to the inspectors for such election in each precinct one or more copies of the enrolled voters for such precinct, and such lists or enrolled voters shall be those, and only those, entitled to participate in such primary election, except as other-

wise herein provided. Any voter who may be otherwise qualified to participate in such primary election, but because of sickness, absence from the county or because of some other absolutely unavoidable reason was unable to secure enrollment during the period prescribed by the committee for enrollment under the provisions of this section, upon his sworn statement in writing setting out in full the reasons which unavoidably prevented his enrollment, shall by the inspectors of the election be permitted to participate in such election even though his name is not upon the enrolled list of voters in such precinct; but if any person makes any such false statement knowing such statement to be false, he shall be guilty of perjury. The chairman of the county committee, immediately after receiving from the enrolling committee the lists of enrolled voters for the county, shall furnish a copy thereof to the chairman of the State executive committee. For their services in enrolling voters as provided herein, such enrolling committee shall receive jointly for their services the sum of five cents per name of each voter enrolled, to be paid from the county treasury as other election expenses herein provided for; but whenever such enrollment of voters is required by the county executive committee in any county, then in that event the probate judge of the county shall not be required to furnish registration and poll tax lists as provided for in section twenty of this act. The State executive committee, or governing authority, of any party in the State, may prior to any general primary election require each county executive committee in the State or the county executive committee of any designated county or counties to provide for the enrollment of voters of each such county under the provisions of this section, and whenever such State executive committee shall direct such enrollment of voters for any county, the county executive committee shall within thirty days thereafter take steps to provide for such enrollment, and upon the failure of any county executive committee to comply with the direction of the State executive committee within thirty days of the issuance of the order for

same, then in that event the State executive committee shall have authority to direct the appointment of the enrolling committee in such county, and such enrolling committee shall have all the powers herein provided as if appointed by the chairman of the county executive committee or governing authority of such county."

"Section 56. Except where herein otherwise particularly provided, any violation of this act shall be a misdemeanor and any person found guilty shall be fined in a sum of not less than five dollars nor more than five hundred dollars for the first offense, and for the second and any subsequent offense, shall in addition to the fine be punished, at the discretion of the court, by confinement in the county jail or sentenced to hard labor for the county for a term of not less than ten days nor more than six months."

Emmet O'Neal,  
Governor.

Yeas 52; nays, 5.

Yeas:

Messrs:—

Speaker	Hood	Molton
Acker	Horton	Mulkey
Arnold	Huddleston	Nicholson
Barnard	Jackson	Pharr
Brewer	James	Pitts
Brindley	Jones	Pruett
Boswell	Judge	Quinn
Burton	Kilburn	Rice
Bush	Knight	Richeson
Butt	Lane	Rylance
Capps	Lawler	Smith
Cranford	Lee	Stollenwerck
Dennis	Lloyd	Waddell
Fowlkes	Lumpkin	Walden
Gewin	Mastin	Walker
Greene	Mathews	Willhite
Griffith	Merritt	Williams
Helms		

Nays:

Messrs:—

Fuquay  
Strickland

Sturdivant  
Waits

Wright

—5

RECESS.

The hour of one o'clock having arrived, the House recessed until 3 o'clock p. m.

AFTERNOON SESSION.

The hour of 3 o'clock having arrived, the House reconvened.

On motion of Mr. Martin of Jackson, S. 444 was taken from the table.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President and presiding officer of the Senate having signed the following Senate bills:

S. 208. An act to provide and create a commission form of government and to permit the adoption of the same in all cities in the State of Alabama which now have, or which may hereafter have, a population of more than fifteen hundred and not more than twenty-five thousand people according to the last Federal census, or any Federal or municipal census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, mayors, councilmen and certain other city officials and otherwise provide for the creation and maintenance of said commission form of government.

S. 25. An act to appropriate sixty thousand dollars for the aid of the State normal school at Jacksonville, Alabama.

S. 88. An act to amend section 3912 of the code.

S. 89. An act to amend section 2486 of the code.

S. 90. An act to amend section 3910 of the code.

S. 326. An act to regulate and provide for the volunteer military forces of the State of Alabama.

S. 452. An act to amend section 12 of an act entitled an act to establish a county court for the county of Clay, approved December 13th, 1898, as amended March 2nd, 1901, and August 6th, 1907.

Your signature thereto is requested.

J. A. Kyle,  
Secretary.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing message from the Senate.

#### BILL ON THIRD READING.

S. 456. To create and establish the juvenile court of Jefferson county, Alabama; to create and define its jurisdiction; and conferring power on said court to adjudicate on all cases of children under sixteen (16) years of age, who are delinquent, indigent, neglected or otherwise subject to discipline, or in need of the care and protection of the State, and regulating the procedure in such cases, including the establishment and maintenance of detention home and probation system, and the appointment of guardians for such children, and providing for the welfare of indigent children as objects of charity, for the public good; to provide for the officers of said court, and define their powers and duties, and provide for their compensation.

Was taken up.

Mr. Rylance offered the following amendment to the bill:

Amend Senate bill 456.

That section 4 be amended to read as follows:

There shall be elected by the qualified electors of Jefferson county, Alabama, at the first election held throughout Jefferson county after the passage and approval of this act, a judge of said court, whose term of office shall begin upon his election and qualification and shall continue until his successor is elected and qualified; and a successor to said judge shall be elected by the qualified electors of said county at the general election in 1916 and each general election thereafter when judges of the circuit court are elected, whose term of office shall be for six years, and until the election and qualification of his successor. The judge of said court shall at the time of his election be a qualified elector of said county, and not less than twenty-five years of age; and for at least five years preceding his election he shall have been a citizen of the United States and of Jefferson county, Alabama, and his salary shall be twenty-five hundred dollars per annum, payable monthly out of the general funds of said county. Except for the election of a judge of said court, this act shall not take effect until after the election of said judge.

The court in this act provided for shall not be organized nor assume jurisdiction until the election and qualification of a judge as herein provided, and until the said judge so elected and qualified shall promulgate the rules and regulations of said court and appoint the officers therefor as provided for in this act.

And the amendment was adopted.

Yeas, 57, nays, 0.

Mr. Mastin offered the following amendment to the bill:

Amend section four (4) by striking out the word "five" in line seven (7) of said section and by inserting in lieu thereof the word "three."

On motion of Mr. McDonald, the amendment offered by Mr. Molton was laid upon the table.

And the bill:

S. 456. To create and establish the juvenile court of Jefferson county, Alabama; to create and define its

jurisdiction; and conferring power on said court to adjudicate on all cases of children under sixteen (16) years of age, who are delinquent, indigent, neglected or otherwise subject to discipline, or in need of the care and protection of the State, and regulating the procedure in such cases, including the establishment and maintenance of detention home and probation system, and the appointment of guardians for such children, and providing for the welfare of indigent children as objects of charity, for the public good; to provide for the officers of said court, and define their powers and duties, and provide for their compensation.

As amended, was read a third time, at length and passed.

Yeas, 57; nays, 4.

#### Yeas:

##### Messrs:—

Speaker	Gewin	Parks
Acker	Greene	Pittman
Arnold	Helms	Pitts
Barnard	Hood	Preston
Brewer	James	Pruett
Brindley	Jones	Quinn
Boswell	Judge	Ramsey
Burton	Lawler	Rice
Bush	Lawson	Roberson
Butt	Lee	Rylance
Capps	Letson	Smith
Carroll	Lloyd	Stollenwerck
Cranford	Lumpkin	Sturdivant
Darden	Mastin	Waddell
Dennis	Mathews	Waits
Doswell	Merritt	Walden
Eastis	Milner	Whatley
Flanagan	Molton	Wilhite
Fletcher	Nicholson	Williams

—57

#### Nays:

##### Messrs:—

Fuquay	Strickland	Wright
Popwell		

—4

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment, proposed by his excellency, the governor to:

H. 346. To regulate primary elections in the State of Alabama.

Yeas, 18; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment, proposed by his excellency, the governor to:

H. 371. To amend section 3229 of the code of Alabama.

Yeas, 22; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

BILL ON THIRD READING.

S. 334. To provide for the appointment of an official court stenographer for the fifteenth judicial circuit of Alabama; to prescribe his duties, to fix his compensation, and to provide for the payment of the same.

Was read a third time at length and passed.

Yeas, 65; nays, 0.

Yeas:

Messrs:—

Speaker

Acker

Arnold

Barnard

Brewer

Brindley

Burton

Butt

Capps

Cranford

Darden

Dennis



Fuquay	Mathews	Rice
Gewin	Merrill	Richeson
Greene	Merritt	Roberson
Griffith	Milner	Rylance
Helms	Molton	Sanders
Hood	Mulkey	Smith
Horton	McCurdy	Sullivan
<b>Huddleston</b>	<b>McDonald</b>	<b>Thomas</b>
Jackson	McGowen	Twombly
James	McLendon	Waddell
Jones	Nicholson	Waits
Lane	O'Neill	Walden
Lawler	Overton	Walker
Lawson	Pittman	Whatley
Lee	Pitts	Wheelless
Lloyd	Preston	Wilbrite
Lumpkin	Pruett	Williams
Mastin	Quinn	

—65

S. 462. To amend section 2218 of the code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 58; nays, 7.

Yeas:

Messrs:—

Speaker	Gewin	Lumpkin
Acker	Greene	Mastin
Arnold	Griffith	Merrill
Barnard	Helms	Merritt
Brewer	Hood	Milner
Boswell	Horton	Molton
Butt	Huddleston	Mulkey
Capps	Jackson	McCurdy
Cranford	James	O'Neill
Darden	Jones	Overton
Dennis	Judge	Parks
Eastis	Lane	Pegram
Flanagan	Lawler	Pitts
Fletcher	Lee	Preston
Fuquay	Lloyd	Pruett

Quinn	Sullivan	Walden
Rice	Thomas	Walker
Smith	Waddell	Wheless
Strickland	Waits	Wilhite
Sturdivant		

—58

Nays:

Messrs:—

Brindley	Mathews	Williams
Brown (Pike)	Twombly	Wright
Carroll		

—7

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill:

H. 321. To amend an act entitled an act "to create the office of assistant solicitor for the county of Montgomery, Alabama, in lieu of the present office of deputy solicitor for said county, prescribing his duties, fixing his salary and providing for the method of selection for said office." Approved Feb. 21, 1907.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

The House concurred in and adopted the Senate amendment to the bill, H. 321, said Senate amendment being as follows:

Substitute for H. 321:

## A BILL

To be entitled an act to amend an act entitled an act to create the office of assistant solicitor for the county of Montgomery, Alabama, in lieu of the present office of deputy solicitor for said county, prescribing

his duties, fixing his salary, and providing for the method of selection for said office, approved Feb. 21, 1907.

Section 1. Be it enacted by the Legislature of Alabama, That an act entitled "An act to create the office of assistant solicitor for the county of Montgomery, Alabama, in lieu of the present office of deputy solicitor for said county, prescribing his duties, fixing his salary, and providing for the method of selection for said office," approved Feb. 21, 1907, be amended so as to read as follows:

"Sec. 1. Be it enacted by the Legislature of Alabama, That there is hereby created the office of assistant solicitor for the county of Montgomery in lieu of the present office of deputy solicitor for said county.

Sec. 2. That immediately after the passage of this act there shall be appointed by the solicitor for Montgomery county an assistant solicitor for said county, who shall be learned in the law and a resident of said county and who shall hold office at the pleasure of the solicitor for Montgomery county.

Sec. 3. That it shall be the duty of said assistant solicitor to perform all duties heretofore devolved on the deputy solicitor of Montgomery county and to prosecute all criminal cases in said county that said assistant solicitor shall be authorized and it shall be his duty when so requested by the solicitor to attend each term of the city court of Montgomery and prosecute or aid and assist the solicitor in the prosecution of all cases in said court, and to perform any and all other duties as are now required by law of circuit, county or city solicitors, in said county, including attendance upon the session of the grand jury, of city court of Montgomery, in the place of the solicitor; and it shall be his duty to prosecute all misdemeanors and felony cases in the inferior court of Montgomery and to assist in the conduct of the criminal business of such court when requested so to do by the judge of said court, if not otherwise at the time engaged in the performance of his duties, under the direction of the solicitor of Montgomery county.

Sec. 4. That said assistant solicitor shall receive as compensation for his services as such the sum of twenty-one hundred dollars annually to be paid monthly by the county of Montgomery out of the general fund of said county.

Sec. 5. That all laws and parts of laws, both general and special, in conflict with this act, be and the same is hereby repealed.

Yeas, 57; nays, 0.

Yeas:

Messrs:—

Speaker	Griffith	Molton
Acker	Helms	Mulkey
Arnold	Hood	O'Neill
Barnard	Horton	Pegram
Brewer	Jackson	Pittman
Brindley	James	Pitts
Boswell	Jones	Pruett
Bush	Judge	Quin
Butt	Kilburn	Rice
Capps	Knight	Richeson
Carroll	Lane	Rylance
Cranford	Lawler	Smith
Darden	Lee	Sturdivant
Dennis	Lloyd	Sullivan
Eastis	Lumpkin	Thomas
Fletcher	Mastin	Waites
Fowlkes	Mathews	Walker
Fuquay	Merrill	Wilhite
Gewin	Merritt	Wright
Greene		

—57

#### BILLS ON THIRD READING.

S. 300. To provide for the registration and lien of judgments for the payment of money in the courts of justice of the peace, and notary public with powers of justice of the peace, and providing for the issuing of executions on such registered judgments, in Franklin county, Alabama; and repealing all laws in conflict therewith.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:—

Acker	Greene	Molton
Arnold	Griffith	O'Neill
Barnard	Helms	Peaks
Bell (Pickens)	Hood	Pegram
Brewer	Horton	Pitts
Brindley	Huddleston	Pruett
Boswell	Jackson	Quinn
Burton	James	Rice
Bush	Jones	Richeson
Butt	Judge	Sanders
Capps	Kilburn	Smith
Cranford	Lane	Sullivan
Darden	Lawler	Thomas
Dennis	Lee	Twombly
Eastis	Lloyd	Waddell
Flanagan	Lumpkin	Waits
Fletcher	Mastin	Walden
Fowlkes	Mathews	Walker
Fuquay	Merrill	Whately
Gewin	Merritt	Wilhite

—60

S. 193. Requiring milch cows affected with tuberculosis where the milk from such animals is furnished to the people of cities and towns to be slaughtered at a public Abattoir; and to provide punishment for the sale of milch cows without first having had said cows examined for tuberculosis; and to provide punishment for the sale of milch cows knowing the same to be affected with tuberculosis.

Was taken up.

Mr. Sullivan offered the following substitute for the bill:

A bill to be entitled "an act requiring milch cows affected with tuberculosis, where the milk from such an-

imals is furnished to the people of cities and towns, to be slaughtered at a public abattoir."

Section 1. *Be it enacted by the Legislature of Alabama*, that whenever any regular inspector or his assistant, of any city or town in this State, shall find that any dairy cow, or cows, in any dairy in the county or in an adjoining county of such city or town, used for the production of milk for the inhabitants of any such city or town, are affected with tuberculosis as determined by the tuberculin test of the Department of Agriculture, bureau of animal industry, of the United States of America, or otherwise shown to be affected with tuberculosis, it shall be the duty of such authorized inspector of such city or town, or his assistant, to immediately notify the owner, proprietor or the manager of such dairy, either in person or in writing, of the presence of such animal or animals affected with such tuberculosis.

Section 2. *Be it further enacted*, That it shall be the duty of the owner or proprietor or manager of any such dairy, upon being notified by such inspector, or his assistant, to remove or cause to be removed, within twenty-four hours, said tuberculous cow or cows from his herd to a public abattoir and, under the supervision of such inspector, or his assistant, said tuberculous cow or cows must be slaughtered immediately. *Provided, however*, that in all cases where the owner, proprietor or manager of such dairy is notified of the presence of such cow or cows affected with tuberculosis he shall have the right, under the supervision of such inspector, or his assistant, to remove said cow or cows from the herd and keep them isolated therefrom, at the expense of the owner, for a period of two to six months, at the expiration of which said cow or cows shall be re-tested by said inspector, or his assistant, and some competent veterinarian to be selected by the owner of said cow or cows, and in the event said inspector, or his assistant and the competent veterinarian so selected by the owner of said cow or cows shall fail to agree as to whether said cow or cows is affected with tuberculosis, then said inspector, or his assistant, and

the veterinarian so selected by the owner shall call in a third graduate veterinarian, and if a majority of such persons should determine that said cow or cows is affected with tuberculosis the same shall be immediately slaughtered and a post-mortem examination held on the same by the three persons as hereinbefore provided; and in the event it should be determined by said persons or a majority of them after the holding of said post-mortem examination that said cow or cows is not affected with tuberculosis, then the city or town or county employing said inspector who originally pronounced said cow or cows affected with tuberculosis shall immediately pay to the owner of such cow or cows the reasonable value thereof, and the reasonable fees of the veterinarian or veterinarians so called in to aid said inspector, or his assistant, in making said post-mortem examination of said cow or cows.

Section 3. *Be it further enacted*, That any person, firm, corporation or association violating the provisions of this act shall be fined not less than one hundred dollars nor more than five hundred dollars, and may also be sentenced to imprisonment in the county jail for three months.

Section 4. *Be it further enacted*, That this act shall go into effect immediately on the approval of the same by the governor, and that all laws and parts of laws in conflict with this act shall be and the same are hereby expressly repealed.

And the substitute was adopted.

Yeas, 66; nays, 1.

Yeas:

Messrs :—

Speaker	Bush	Eastis
Acker	Butt	Edmonds
Arnold	Capps	Flanagan
Barnard	Carroll	Fletcher
Brewer	Chamberlain	Gewin
Brindley	Cranford	Greene
Boswell	Darden	Griffith
Burton	Dennis	Helms

Hood	Lumpkin	Quin
Horton	Mastin	Ramsey
Huddleston	Mathews	Rice
Jackson	Merrill	Richeson
James	Merritt	Roberson
Jones	Milner	Rylance
Judge	Molton	Sanders
Kilburn	Mulkey	Smith
Knight	Nicholson	Sullivan
Lane	Overton	Thomas
Lawler	Pittman	Waddell
Lawson	Pitts	Walden
Lee	Preston	Wheless
Lloyd	Pruett	Williams

—66

Nays:

Mr. Fuquay

—1

And the bill:

S. 193. Requiring milch cows affected with tuberculosis where the milk from such animals is furnished to the people of cities and towns to be slaughtered at a public abattoir; and to provide punishment for the sale of milch cows without first having had said cows examined for tuberculosis; and to provide punishment for the sale of milch cows knowing the same to be affected with tuberculosis.

As amended, was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Speaker	Butt	Fletcher
Acker	Capps	Gewin
Arnold	Carroll	Greene
Barnard	Cranford	Griffith
Brewer	Darden	Helms
Brindley	Dennis	Hood
Boswell	Doswell	Horton
Burton	Eastis	Jackson
Bush	Edmonds	James



Jones	Mathews	Roberson
Judge	Merritt	Rylance
Kilburn	Molton	Smith
Knight	Nicholson	Sullivan
Lane	Page	Thomas
Lawler	Pegram	Twombly
Lawson	Pittman	Waites
Lee	Pitts	Walden
Lloyd	Pruett	Whatley
Lumpkin	Quin	Wheless
Mastin	Rice	Wilhite

—60

S. 267. To repeal an act entitled an act to regulate the procedure in the trial of causes wherein lands are sought to be condemned, approved August 26th, 1909.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:—

Speaker	Hoed	Pharr
Acker	Horton	Preston
Arnold	Huddleston	Pruett
Barnard	Jackson	Quin
Brewer	James	Ramsey
Brindley	Jones	Rice
Boswell	Judge	Richeson
Burton	Knight	Roberson
Bush	Lane	Rylance
Cranford	Lawler	Sanders
Darden	Lawson	Smith
Dennis	Lee	Sullivan
Eastis	Letson	Thomas
Edmonds	Lloyd	Waits
Fletcher	Lumpkin	Walden
Fuquay	Mastin	Walker
Gewin	Molton	Whatley
Greene	Mulkey	Wilhite
Griffith	Overton	Williams
Helms	Page	Wright

—60

S. 162. To prohibit the selling of exhibiting for sale, any goods, wares or merchandise upon the private roads or lands of another, or the entering upon such private roads or lands of another not lying within the police jurisdiction of an incorporated city or town, for the purpose of selling or exhibiting for sale any goods, wares or merchandise without the written consent of the owner of such private roads or lands in counties in Alabama having a population of less than sixty thousand inhabitants according to the last Federal census or any succeeding Federal census.

Was taken up.

Mr. Pitts offered the following amendment to the bill:

Amend the caption by inserting immediately after the word "Another" in line four of said caption the words "not lying within the police jurisdiction of an incorporated city or town."

And amend section one by inserting immediately after the word "another" in line nine of said section the words "not lying within the police jurisdiction of an incorporated city or town."

And the amendment was adopted.

Yeas, 58; nays, 3.

Yeas:

Messrs:—

Speaker	Eastis	Knight
Acker	Flanagan	Lane
Arnold	Fletcher	Letson
Barnard	Fowlkes	Lloyd
Brewer	Fuquay	Lumpkin
Boswell	Gewin	Mastin
Burton	Greene	Mathews
Bush	Griffith	Merrill
Butt	Helms	Milner
Capps	Horton	Molton
Carroll	Jackson	Mulkey
Cranford	James	O'Neill
Darden	Jones	Overton
Doswell	Judge	Parks

Pittman	Rice	Walker
Pitts	Smith	Whatley
Pruett	Sullivan	Wheless
Quin	Thomas	Wilhite
Ramsey	Waits	Williams

—58

**Nays:****Messrs:—**

Brindley	Edmonds	Hood
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—3

And the bill:

S. 162. To prohibit the selling or exhibiting for sale, any goods, wares or merchandise upon the private roads or lands of another, or the entering upon such private roads or lands of another for the purpose of selling or exhibiting for sale any goods, wares or merchandise without the written consent of the owner of such private roads or lands in Counties in Alabama having a population of less than sixty thousand inhabitants according to the last federal census or any succeeding federal census.

As amended, was read a third time at length and passed.

Yeas, 54; nays, 11.

**Yeas:****Messrs:—**

Speaker	Griffith	Lee
Arnold	Helms	Lloyd
Barnard	Hood	Mastin
Brewer	Horton	Mathews
Brindley	Jackson	Merrill
Boswell	James	Molton
Butt	Jones	McCurdy
Chamberlain	Judge	McDonald
Cranford	Kilburn	McLendon
Dennis	Knight	O'Neill
Edmonds	Lane	Overton
Fletcher	Lavender	Pharr
Gewin	Lawler	Pegram
Greene	Lawson	Pittman

Pitts	Roberson	Waddell
Pruett	Sanders	Walden
Quinn	Smith	Whatley
Rice	Sullivan	Wilhite

—54

## Nays:

Messrs:—

Acker	Carroll	Parks
Eell (Autauga)	Eastis	Preston
Burton	Fuquay	Wright
Capps	Lumpkin	

—11

## GOVERNOR'S MESSAGE.

The following message was received and ordered spread upon the Journal.

Chief Executive Department, Alabama.

Montgomery, Ala., April 14th, 1911.

To the House of Representatives:

I desire to call your attention to Senate bill No. 96, making appropriations for encampments, maneuvers and target practice of the Alabama National Guard for the years 1911, 1912, 1913 and 1914, and urge upon you the passage of this bill without reduction in the amount appropriated.

It would be impossible to properly maintain the military department of the State with any reduction in this appropriation, and would seriously impair the efficiency of our national guards.

Emmet O'Neal,  
Governor.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill:

H. 211. To provide for the holding of teacher's institutes for teachers in this State and to make necessary appropriations for the same.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

The House concurred in and adopted the Senate amendment to the bill, H. 211, said Senate amendment being as follows:

Amend by striking out that part of section 6 beginning with the word "and" in line 6 and ending with word "work" in last line of said section, and insert "provided that such time attended by each teacher shall not be counted as time taught, nor shall any teacher receive any pay or compensation for attending an institute."

Yeas, 59; nays, 0.

#### Yeas:

##### Messrs:—

Speaker	Horton	Pharr
Arnold	Jackson	Pegram
Barnard	James	Pittman
Brewer	Jones	Pitts
Brindley	Judge	Pruett
Boswell	Knight	Quinn
Burton	Lane	Rice
Bush	Lawler	Roberson
Butt	Lawson	Rylance
Capps	Lee	Sanders
Carroll	Letson	Smith
Cranford	Lloyd	Sturdivant
Darden	Lumpkin	Thomas
Dennis	Mastin	Waddell
Eastis	Mathews	Walden
Edmonds	Merrill	Walker
Gewin	Milner	Wheless
Greene	Molton	Willhite
Helms	Mulkey	Williams
Hood	O'Neill	

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill:

H. 304. To amend section six thousand nine hundred and sixty-four (6964) of the criminal code of 1907.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

The House concurred in and adopted the Senate amendment to the bill, H. 304, said Senate amendment being as follows:

Amend House bill 304, by striking out the words, "from November 1st to the following February 1st in each year" where they occur in said bill, and by inserting in lieu thereof the words, "on and from October 1st, in each year to the following March 1st.

Yeas, 59; nays, 0,

Yeas:

Messrs:—

Speaker	Edmonds	Lane
Acker	Flanagan	Lee
Arnold	Fletcher	Letson
Barnard	Fowlkes	Lloyd
Brewer	Gewin	Mastin
Brindley	Greene	Mathews
Boswell	Helms	Merrill
Burton	Hood	Merritt
Bush	Horton	Milner
Butt	Huddleston	Molton
Capps	Jackson	Mulkey
Carroll	James	Overton
Cranford	Jones	Pittman
Darden	Judge	Pitts
Dennis	Kilburn	Popwell
Eastis	Knight	Pruett

Quinn	Smith	Waites
Rice	Thomas	Walker
Rylance	Twombly	Wilhite
Sanders	Waddell	

—59

## MESSAGE FROM THE SENATE.

**Mr. Speaker:**

The Senate has received the accompanying message from his excellency the governor, with his objections and proposing an amendment to:

S. 68. To amend chapter 242 of the code and establish a jury commission to select jurors and the qualifications of the same.

And the Senate has amended the bill as proposed by the governor by adopting and concurring in such proposed amendment.

Yeas, 16; nays, 4.

And herewith sends said bill with the governor's message and proposed amendment herewith to the House of Representatives.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

The House concurred in and adopted the governor's amendment to the bill, S. 68, the title to which is set out in the above and foregoing Senate message, said governor's amendment being as follows:

Amend the title of the act and the body thereof by striking out the words "forty thousand" wherever they occur, and inserting in lieu thereof the words "thirty thousand."

Yeas, 59; nays, 18.

Yeas:

Messrs:—

Speaker	Bell (Autauga)	Brown (Pike)
Acker	Bell (Pickens)	Brown (Tuscaloosa)
Arnold	Brindley	Butt
Barnard	Boswell	Capps

Carroll	Kilburn	Pharr
Chamberlain	Letson	Pittman
Darden	Lloyd	Pitts
Dennis	Lumpkin	Popwell
Eastis	Martin (Jackson)	Preston
Fletcher	Merrill	Pruett
Gewin	Merritt	Ramsey
Greene	Milner	Richeson
Helms	Molton	Roberson
Hollis (Walker)	McCurdy	Stollenwerck
Huddleston	McDonald	Sturdivant
Jackson	McGowen	Sullivan
James	Nicholson	Waddell
Johnson (Elmore)	O'Neill	Waits
Johnson (Marshall)	Overton	Wright
Judge	Parks	

—59

Nays:

Messrs:—

Brewer	Merrill	Twombly
Burton	Mulkey	Walden
Fuquay	McLendon	Whitley
Hood	Pegram	Wheeler
Johnson (Clarke)	Smith	Willhite
Mathews	Strickland	Williams

—18

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill:

H. 724. To create a board of trustees for the government and control of the several State normal schools for whites and for the making and enforcing of a course of study for the said State normal schools and for the rural schools of the State, and for the repealing of any general and special laws and provision of any charter or charters in conflict with the provisions of this act.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.



## SENATE MESSAGE.

The House concurred in and adopted the Senate amendment to the bill, H. 724, said Senate amendment being as follows:

Amend section 2 by striking out the following words beginning at the end of line five of said section "and for the establishment of a course of study for the rural village and town public schools of this State."

Amend section 6 by striking out the following words in lines 3 and 4 in said section "and for the making of the course of study for the rural, village and town public schools."

Yeas, 59; nays, 0.

Yeas:

Messrs:—

Speaker	Fuquay	Mathews
Acker	Gewin	Merrill
Arnold	Greene	Milner
Barnard	Griffith	McGowen
Brewer	Helms	McLendon
Brindley	Hood	Parks
Boswell	Horton	Pegram
Burton	Huddleston	Pittman
Bush	Jackson	Preston
Butt	James	Rice
Capps	Jones	Richeson
Carroll	Judge	Roberson
Chamberlain	Knight	Sanders
Cranford	Lane	Smith
Darden	Lavender	Thomas
Dennis	Lawler	Walden
Doswell	Lee	Walker
Eastis	Lloyd	Whatley
Fletcher	Lumpkin	Wilhite
Fowlkes	Mastin	

—59

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 627. To appropriate the sum of \$375.00 to be paid to Mrs. Mary C. Venable as compensation for services as a teacher in the public schools of Talladega county,

Alabama, from January 1st, 1868, to July 1st, 1868, which said sum has never been paid to her.

H. 816. To require the judge of probate of Russell county, in addition to the office in the court house at Seale, to keep open a branch office in the city of Girard for the transaction of business, and to declare the effect of the business transacted in such branch office, and to fix his pay for making the indexes mentioned in section 3, and the abstract mentioned in section 4, of this act.

H. 512. For the relief of Walter Jones, administrator of the estate of P. P. Jones, deceased.

H. 36. For the relief of the officers and enlisted men of "M" Company 2nd Regiment, Alabama National Guard, who served time at camp of instruction, held at Chicamauga Park, Georgia, from July 21, 1910, to July 31, 1910, inclusive.

H. 722. To make an appropriation to be expended by the Horseshoe Bend battle anniversary commission for the appropriate celebration of the one hundredth anniversary of the battle of Horseshoe Bend in 1914; the care of the monument erected in commemoration of said battle and the grounds on which the same may be erected and for other purposes.

H. 338. To amend sections 60 (406), 61 (407) and 67 (413) of the code of Alabama of 1907.

H. 751. To amend section 1261 of the code of 1907.

H. 649. To amend section 1734 of the code of Alabama, 1907.

H. 285. To amend sections 1975, 1976, 1977, 1981, 1992, 1993 and 1989 of the code of Alabama, 1907.

H. 788. For the relief of R. L. Bradley, judge of probate, of Lamar county, State of Alabama.

H. 134. To make appropriation for the support and maintenance for the Southern industrial institute for white boys and girls at Camp Hill, Ala., for the years 1911, 1912, 1913 and 1914.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 624. To amend section 1334 of the political code of the State of Alabama.

H. 243. To provide for the office of county treasurer of public school funds in the several counties of Alabama and to prescribe the duties thereof.

H. 217. To authorize the sale and conveyance of certain lands which have been conveyed to the State for school purposes.

And returns same herewith to the Senate.

J. A. Kyle,  
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill:

H. 431. To regulate the mining of coal in Alabama.  
And returns same herewith to the House.

J. A. Kyle,  
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the Senate amendment to the bill, H. 431, the title to which is set out in the above and foregoing Senate message, said amendment being as follows:

Substitute for H. 431 by committee:

A BILL TO BE ENTITLED AN ACT.

To regulate the mining of coal in Alabama.

Section 1. *Be it enacted by the Legislature of Alabama*, That there shall be appointed by the governor of Alabama an inspector of coal mines for each two and a half million tons of coal mined in the State, or majority fraction thereof, based on the report of the tonnage mined for the previous year, compiled by the chief mine inspector, one of whom shall be designated as chief mine inspector and the others shall be designated as associate mine inspectors, and one of them shall be a mining engineer. Immediately upon the passage of this act, the chief mine inspector and one associate mine inspector shall be appointed

and shall hold office for three years, and as soon as possible four associate mine inspectors shall be appointed, two of whom shall hold office for two years and two of whom shall hold office for one year, and upon the expiration of their respective terms of office, new appointments may be made for terms of three years from the date of each appointment and until his respective successor is appointed and qualified. The object being, hereafter to appoint as near as practicable one-third of the inspectors each year.

Sec. 2. The salary of the chief mine inspector shall be three thousand (\$3,000.00) dollars per annum, and the salary of each of the associate mine inspectors shall be two thousand (\$2,000.00) dollars per annum.

Sec. 2 1-2. That the governor of this State may require the chief mine inspector to execute bond payable to the State of Alabama in such sum as the governor may determine with condition that he will faithfully discharge the duties of his office and will account for, properly distribute and pay over all funds coming into his hands as license fees collected from applicants for certificates from the board of examiners or otherwise. It shall be the duty of said chief mine inspector to report annually to the governor the amount of money received by him from such applicants or otherwise and show the disbursement thereof, and at the expiration of his term of office, pay over any moneys in his hands as such to his successor in office.

Sec. 3. The chief mine inspector shall be a qualified elector and shall be a competent person, having had at least eight years experience in the working, ventilating and drainage of coal mines in the State, and having a practical and scientific knowledge of all noxious and dangerous gases found in such mines; he must have a first class mine foreman certificate and must be not less than thirty years of age. The associate mine in-

spectors shall be qualified electors and each shall possess a first class Alabama mine foreman certificate and shall have had at least five years practical experience in coal mining and shall be not less than twenty-five years of age. The associate mine inspectors shall reside at such points convenient to their respective districts as the chief mine inspector may designate, and the chief mine inspector shall designate the districts. No one shall be appointed mine inspector who, or the wife of whom, owns and operates in whole or in part, mining property.

Sec. 4. It shall be unlawful for the chief mine inspector or any associate mine inspector to be otherwise employed by the State of Alabama.

Sec. 5. The mine inspectors shall give their whole time and attention to the duties of their offices. It shall be the duty of the mine inspectors to examine all the coal mines and all the working places therein as far as possible, in this State, at least every three months to see that all the requirements of this act are strictly observed and carried out; inspectors shall particularly examine the works and machinery belonging to any coal mine, examine into the state of the coal mines as to ventilation, circulation, and condition of air, drainage and general security; they shall make a record of all examinations of coal mines, showing the date when made, the condition in which the coal mines are found, the extent to which the laws relating to coal mines and mining are observed or violated, the progress made in the improvements and security of life and health sought to be secured by the provisions of this act, number of accidents, injuries received, or deaths in or about the coal mines, the number of persons employed in or by each coal mine, together with all such other facts and information of public interest concerning the condition of coal mines, development and progress of coal mining in this State, as they may think useful

and proper, and so much thereof as may be of public interest to be included in their reports. A comprehensive report of each inspection of each coal mine shall be promptly made to the superintendent or operator. This report shall be on a form provided for that purpose and compiled by the chief mine inspector, and the board of examiners. This report form may be changed by the chief mine inspector and board of examiners from time to time, as may seem desirable to them.

Sec. 5 1-2. It shall be the duty of said board to have one of its members to promptly investigate all accidents in coal mines resulting in serious injury or death of any person employed or working in or about the same.

Sec. 6. That each member of said board is hereby authorized and empowered to issue subpoenas requiring the attendance of witnesses before said board or before such member thereof, to testify under oath in any proceeding before such board or such member, and require witnesses to answer all proper questions propounded to them by said board or such member. That it is hereby made the duty of the sheriff or constable in the county in which such witness may reside or be found, to execute subpoenas issued as above provided, and that they shall each receive for their services in executing such subpoenas the same fees as are allowed them respectively for executing subpoenas in other cases. Any witnesses summoned as above mentioned shall be entitled to the same mileage and per diem as is now allowed by law to such witnesses attending trials in the circuit courts. If any witness subpoenaed as above mentioned shall fail to attend without good excuse, in accordance with the subpoena served on him, or shall fail to attend without good excuse, in accordance with the subpoena served on him, or shall fail to testify when attending, it is hereby made the duty of said board or the member before whom said proceedings is being had, to certify

to the failure of any witness to attend and testify, to a judge of any court of record in the county where such proceeding is being held. It is hereby made the duty of the judge to whom such certificate is made to cause such witness to appear before him at a time fixed by said judge, to ~~show cause why he should not be punished for~~ contempt, and to fine or imprison such witness as such judge may deem proper in case he is found guilty of contempt in the premises. That the expense of executing subpoenas and the attendance of witnesses, as well as said contempt proceedings, shall be paid out of any funds in the treasury of the State on certificate of the chief mine inspector, approved by the governor of the State.

Sec. 7. The chief mine inspector, shall, prior to the assembling of the legislature, make a written report to the governor stating the condition of the coal mining interests in this State with such suggestions, statistics, and information as may be of interest to the coal mining industry, and the report shall be printed on the order of the governor and paid for out of the funds of the treasury not otherwise appropriated.

Sec. 8. The chief mine inspector shall be furnished by the State all necessary instruments for measurement of air in coal mines, and whatever apparatus the said inspector may recommend.

Sec. 9. The chief mine inspector shall procure for the State at the State's expense a full and complete set of standards and other equipment, such as, in his opinion, are necessary in the testing of scales, beams, and other necessary apparatus to be used for a just weighing of coal and other material at the coal mines according to the State standard of weights; and it shall be the duty of said inspector to examine, test and cause to be adjusted as often as occasion demands, all scales and other apparatus used in weighing coal at coal mines.

Sec. 10. The chief mine inspector, with the concurrence of two of the associate mine inspectors, shall have power and authority to immediately stop the operation of any coal mine or any part thereof in which there is sufficient gas or dust, in the opinion of the said chief mine inspector and said associate inspectors, to cause an explosion and endanger the lives of the persons working therein, but work shall not be stopped in any mine except where there is immediate danger of an explosion until the operator or person in charge of said mine shall have had reasonable time in which to remove the danger of such explosion. Any operator, whose mine or any part thereof, has been stopped under this section, may apply to the chancery court of the county, where the mine is located for an injunction, and upon ten days notice served on the chief mine inspector, said application for injunction shall be heard by the said chancery court, if in session, or by the chancellor thereof, if the court be in vacation, upon testimony received in such manner as the chancellor may direct, provided that each party shall be entitled to have all witnesses produced by him at the hearing examined orally before the chancellor, and the testimony of each witness so examined shall be reduced to writing and signed by the witness and shall become a part of the record of the cause. If, upon such hearing, the proof shows that such mine or part thereof was or is wrongfully closed, then the chancellor, or chancery court trying the same, shall award a writ of injunction in favor of said operator, restraining said chief mine inspector and associates from stopping the operation of said mine or part thereof, and revoking the order of said chief mine inspector and associates. The chief mine inspector, or other representative of the State, with the consent of the governor may employ such experts as he deems necessary to examine the mine in question and



the compensation of such experts shall be fixed by the governor and be paid out of the State treasury upon the order of the governor. An appeal by the unsuccessful party shall lie to the supreme court of the State from any decree of the chancellor or chancery court trying the cause.

~~In all such causes the chief mine in-~~  
 spector and associates shall be entitled to the services of the solicitor prosecuting for the State in the county where the the cause is triable, and the governor may provide special counsel of his selection to represent the chief mine inspector and associates and fix the compensation of such counsel, which shall upon the written direction of the governor be paid out of the moneys appropriated by section fifteen of this act in the manner therein provided.

Sec. 11. Immediate notice must be conveyed to the chief mine inspector and the inspector of the proper district by the operator interested. First, whenever an accident occurs whereby any person receives serious or fatal injury. Second, Whenever it is intended to abandon any coal mine or reopen any abandoned coal mine. Third. Upon the appearance of any dangerous accumulation of fire damp in any coal mine, whether accompanied by explosion or not, and upon the occurrence of any fire within the coal mine or on the surface. Fourth. When the workings of any coal mine are approaching dangerously near any abandoned coal mine, containing accumulations of water or of gas. Fifth. Upon the accidental closing or intended abandonment of any passage way to an escapement outlet. But none of the information contained in any report of accident shall be divulged by any one of the inspectors, or their employees, to any person except in a legal proceeding or except it be to a member of the family of the party injured or killed, or to a legal representative of said party or family, and the

chief mine inspector shall require such legal representative to file his authority therefor.

Sec. 11 1-2. It shall be the duty of said board, whenever notified of any fatal accident or accident causing serious personal injury, to any person employed in any coal mine in this State or any gas or dust explosions therein, to require a member of said board to immediately repair to the scene of the accident or explosion and investigate the cause of such accident or explosion and make such orders as are necessary or proper to secure the safety of the persons working therein. Said board shall keep on file at its office a list of all accidents resulting in death or serious bodily injury to any person working in or about such mines. Such list subject to examination as provided in section 11.

Sec. 12. Whenever the chief mine inspector shall require it, the owner, operator, or lessee of any coal mine shall send to the chief mine inspector on blanks furnished by him for that purpose, a report showing the amount of ventilation at the inlet and outlet; the amount of ventilation at or near the last cross cut in each split, the number of splits and the number of men and animals on each split. The report shall also include a record of the pressure gauge readings.

Sec. 13. On or before the twenty-fifth day of January in each year, the operator or superintendent of every coal mine shall send to the chief mine inspector a correct report, specifying with respect to the year ending with the thirty-first of December preceding the name of the operator and location of offices of coal mines, and the quantity of coal and kind of coal mined. The report shall be in such form and give such information regarding such mine as may be from time to time required, and prescribed by the chief mine inspector. Blank forms for such report shall be furnished by the chief mine inspector.

Sec. 14. The governor may remove any chief inspector or associate inspector at any time with or without cause, the governor shall also have the power to fill vacancies occasioned from any cause.

Sec. 15. The sum of twenty-five thousand ~~(\$25,000.00)~~ dollars is appropriated out of any money in the State treasury not otherwise appropriated for each of the years 1911, 1912, 1913 and 1914, to pay the salaries of the inspectors and a chief clerk to be appointed by the chief mine inspector and who shall receive a salary of not exceeding fifteen hundred (\$1,500.00) dollars per annum; the necessary traveling and other expenses incurred by the members of the board of mine inspectors while traveling in the discharge of their official duties, and for extraordinary expenses at mine disasters; and for the payment of not to exceed seventy-five (\$75.00) dollars per month for office rent of said board; for the expense of chief or associate mine inspector in attending mine inspectors' conventions, and for the rent or hire of a telephone at the residence of each member of said board and telephone at the office of said board; for postage stamps, stationery, and for the payment of long distance telephone and telegraph messages sent by the members of said board when necessary in the discharge of their official duties; also for the purchase of all necessary apparatus usually required in an office of that character; said expenses will be paid monthly on approval by the governor of monthly itemized statements presented to him by the chief mine inspector; and the State auditor is authorized and directed to draw his warrant on the State treasurer in favor of the chief mine inspector for the monthly expenses incurred as aforesaid, when so directed by the governor.

Sec. 17. When any agent or operator of any mine shall refuse or fail to comply with any or-

der or direction of the chief mine inspector after the expiration of a reasonable time the chief mine inspector may, if he deem it advisable, refer the matter to the judge of probate in the county in which the mine is located. Upon such reference the judge of probate shall set a day for the hearing of the same and issue citation to the owner or operator of the mine to appear and contest the same if he sees proper; said citation to be served by the sheriff of the county at least ten days before the day of trial. Upon the application of either party, the judge of probate must issue subpoena for witnesses, to be served by the sheriff as in other cases. After hearing the case the probate judge must render such decision as he may deem just and equitable, from which decision either party may appeal to the circuit court within sixty days, when it shall be tried *de novo*. From the decision of the circuit court either party may appeal to the supreme court of Alabama. If no appeal is taken, the decision shall be final and binding on said operator or mine owner, and any mine owner or operator who refuses to carry out the final order or determination of the case, after a reasonable time, shall be guilty of a misdemeanor, and must, on conviction be fined not more than one thousand dollars.

Sec. 18. The chief mine inspector, who shall be ex-officio chairman of the board, with a vote only in case of a tie vote, or in case of the absence of one member of the board, together with two practical miners and two operators of coal mines, and one mining engineer (a majority of whom shall act) and all members of which board shall hold first class certificates, shall constitute a board of examiners to examine and give certificates of fitness to persons to act as mine foremen, or fire bosses, in any coal mine in this State; a fee of five dollars shall be paid to the chief mine inspector by each person examined for

mine foreman certificate; and three dollars for fire boss certificate, to be used as an examiners fund, before examination is begun. Out of the examiners fund there shall be paid to each member of the board, except the chief mine inspector, who shall serve without extra pay, four dollars per day. Said board shall meet every six months at the office of the chief mine inspector, and remain in session not longer than six days and special meetings may be called by the chief mine inspector and must be called at the request of three members of the board. The members of this board shall be appointed by the governor and shall hold office for three years and until their successors are appointed and qualified and as near as possible two members shall be appointed one year and three the succeeding year. The present board shall remain in office until their terms expire and the governor shall appoint the additional members upon the passage of this act, and other members in accordance with this section as the terms of office of the present board respectively expire. The chief mine inspector shall preserve in his office a record of the meetings and transactions of the board and of all certificates issued.

Sec. 19. The examinations herein provided for shall be conducted under such rules, conditions and regulations as the members of the board shall deem most efficient for carrying into effect the spirit and intent of this act. Such rules, when formulated, shall be made a part of the permanent record of the board, and such of them as relate to candidates shall be published for their information and governance prior to each examination; they shall also be of uniform application to all candidates.

Sec. 20. In case of the loss or destruction of a certificate the chief mine inspector may supply a copy thereof to the person losing same upon the payment of \$1.00, provided, it shall be shown to

the satisfaction of the chief mine inspector that the loss has actually occurred, and the loser was the holder of such certificate.

Sec. 21. If any person, or persons shall forge or counterfeit a certificate or knowingly make or cause to be made any false statement in any certificate under this act or in any official copy of the same, or shall urge or influence others to do so, or shall utter or use any such false certificate or unofficial copy thereof, or shall make, give, utter, produce, or make use of any false declaration, representation or statement in any such certificate or copy thereof, or any document containing same, or make any false statement or misrepresentation in application before examining board for any certificate he or they, shall be guilty of a misdemeanor and his certificate cancelled or annulled by the examining board.

Sec. 22. Applicants for first and second-class mine foreman's certificates shall be at least twenty-three years of age, and shall have at least five years practical experience, three years of which shall have been spent within coal mines after having attained the age of fifteen years as mine worker, superintendent, at or inside of any coal mine, and shall be citizens of the United States, and shall present an affidavit as to the above and a certificate of good moral character and of known temperate habits, signed by ten reputable citizens where he resides. The said board shall be entitled to grant certificates of competency of two grades, namely, certificate of the first class to persons who have had experience in coal mines generating gases or accumulating dust, one or both, and who shall have the necessary qualifications to fulfill the duties of mine foreman in such mines; and certificates of second class to persons who give satisfactory evidence of their ability to act as mine foreman in coal mines not generating explosive gases. Any person holding a first-class certificate of any

other State may act as mine foreman in this State until the first meeting of the examining board.

Sec. 23. Applicants for fire boss certificates shall be at least twenty-one (21) years of age, and shall have had at least three years practical experience within coal mines after having attained the age of fifteen years and shall be a citizen of the United States and shall present an affidavit as to the above and a certificate of good moral character and of known temperate habits signed by ten reputable citizens where he resides. Said board shall be entitled to grant certificates of competency to persons who have had experience in coal mines generating gases and who shall have the necessary qualifications to fulfill the duties of fire boss in such mines.

Sec. 24. Any one holding a first-class mine foreman's certificate may serve as fire boss. Whenever any exigency arises by which it is impossible for any operator, owner or lessee to secure the immediate service of a certificated mine foreman or fire boss he may employ any trustworthy and experienced man, subject to the approval of the State inspector of the district, to act as temporary mine foreman or fire boss for a period of not to exceed sixty days.

Sec. 25. Certificates of service may be issued by the examining board to persons acting as fire bosses at the time of the passage of this act and such certificates shall entitle them to act, until the next examination for fire bosses.

Sec. 26. The certificate of any mine foreman or fire boss may be cancelled and revoked by the board of examiners, whenever it shall be established to the satisfaction of said board that the holder thereof has become unworthy of official endorsement by reason of violation of the law, intemperate habits, manifest incapacity, abuse of authority, or for other causes satisfactory to said board; provided, that any person against

whom charges or complaints are made shall have an opportunity to be heard in his own behalf. And he shall have at least thirty days notice in writing of such charges, by the chief mine inspector, and if the holder of a certificate is convicted on the hearing of such charge or complaint, of violating any part of this law his certificate shall be revoked by the board. Provided, that the chief mine inspector after a thorough investigation, may suspend such holder pending a meeting of the board of examiners and its final action.

Sec. 27. No person shall act as foreman in any coal mine in this State generating explosive gases or dust in quantities sufficient to explode or extend an explosion unless he is in possession of a first-class certificate of competency, and no person shall act as foreman in any coal mine in this State which is non gaseous unless he is in possession of a first-class or second-class certificate of competency.

Sec. 28. The duties of the mine foreman may be performed by the assistant mine foreman during the temporary absence of the mine foreman for a period not exceeding one week.

Sec. 29. The mine foreman shall have charge of carrying out or directing the carrying out of his duties as prescribed in this act; and any person who shall direct or cause a mine foreman to disregard the provisions of this act, shall be amenable in the same manner as the mine foreman.

Sec. 30. Whenever any entry, slope or heading or other working places in any coal mine contains dust which will ignite, explode or extend an explosion, it shall be the duty of the person or corporation operating said mine to have it sprayed or sprinkled.

Sec. 31. Except as otherwise provided in this act no person shall act as fire boss in any coal mine in this State generating explosive gases un-



less he is in possession of a certificate of competency.

Sec. 32. When gas exists in any coal mine in quantities sufficient to ignite or explode the owner, operator, lessee or agent of such mine shall employ a competent fire boss whose duties shall be to examine every working place in the mine ~~before the men are permitted to enter for work.~~ Said fire boss shall be at some convenient place for at least an hour each morning to inform every man as to the state and condition of his working place so far as gas in dangerous quantities is concerned before entering. Said work shall be carefully examined every morning with a safety lamp by the fire boss before the workmen are allowed to enter therein. It shall also be the duty of the fire boss after each examination to leave at a point at least twenty-five (25) feet distant from the face of every slope, drift, entry, or air course and at the neck of every room examined by him a conspicuous sign or mark indicating the presence of gas in dangerous quantities discovered by him, together with a memorandum of the date of his examination. It shall be a misdemeanor on the part of any fire boss to fail to perform any duty imposed on him by the provisions of this section, and it shall be a misdemeanor for any person to enter in or dangerously near to any place in the mine in which he has been notified in person that gas exists in dangerous quantities or dangerously near to any place where any such sign or mark has been placed.

Sec. 34. Machine runners and helpers shall use care while operating machines they shall not operate a machine unless the shields are in place, and no persons not engaged in the operating of a machine shall go near the machine while it is in operation. They shall not move the machine except while cutting, while the cutting chain is in motion. If they remove props which

have been placed by the miner or loader for the security of the roof, they shall reset such props.

Sec. 35. All employees shall promptly inform the mine foreman or his assistant of the unsafe condition of any working place, hauling roads or traveling ways, or of damage to doors, brattices, or stoppings, or of obstructions in the air passages when known to them. Every workman employed in coal mines shall examine his working place before commencing work, and after any stoppage of work during the shift, he shall repeat the examination.

Sec. 36. It shall be unlawful for any miner, workman, or other person knowingly to injure any shaft, safety lamp, appliances, air course or brattices or to obstruct or throw open any air way or carry any open lamp or lighted pipe or fire in any form into any place worked by the light of safety lamps, or within five feet of any open powder, or to handle or disturb any part of the hoisting machinery, or open door regulating an air current and not close the same, or to enter any part of a coal mine against caution, or to do any willful act whereby the lives or health of persons working in coal mines or the security of the mine or the machinery thereof is endangered.

Sec. 37. There shall be adopted by the operator of every mine in this State special rules for the government and operation of his mine or mines, covering all the work pertaining thereto in and outside of the same, which however, shall not be in conflict with the provisions of the mining laws of this State; such rules when established shall be printed on card board in the English language, and shall be posted up in the drum house, tippie or some other conspicuous place about the mines where the same may be seen and observed by all the employees at such mines, and when a copy has been given an employee it shall operate as a notice to him and shall be conclusive of his acceptance of the contents thereof; and it

shall be the duty of each mine operator to furnish a printed copy of said rules to each of his employees.

Sec. 38. It shall be the duty of persons operating coal mines in this State to keep at a convenient place at or near the main entrance of the mine, or in the mines, a sufficient supply of ~~props and other timbers useful for propping~~ therein, of suitable lengths and sizes, for those working in such mines. It shall be the duty of those working in said mines who need props or other timbers to select and mark the same when needed for propping by them, designating on such props or timbers the place at which the same are to be delivered or give notice to the person whose duty it is to deliver or have the same delivered, of the number and kind of props or other timbers needed and of the place at which they are to be delivered. It shall then be the duty of the operator to promptly deliver or cause to be delivered such props or other timbers at the place designated.

Sec. 39. In all coal mines employing twenty or more men inside at any one time it shall be the duty of the owner, operator, or lessee to have and maintain at least two available openings to the surface from each seam, or stratum of the coal worked in such mines, said openings which in case of slope mines, shall be separated by natural strata of not less than twenty-five feet, and all stoppings between slopes and manway shall be made of fire proof material. The said openings in case of shaft mines shall be separated by not less than one hundred feet of natural strata. Both of these openings, in all cases, shall be kept in good condition and shall be at all times reasonably safe and convenient for entering and leaving the mines; reasonable time however, shall be given to said owner, operator or lessee to prepare the second opening, in no case exceeding six months from the passage of

this act, unless in the opinion of the chief mine inspector, a longer time is required, in which case he shall allow the additional time necessary. The said second opening may be made through another adjoining mine. At all points where the passage way to the escapement shaft, or other place of exit, is intercepted by other road ways or entries, conspicuous sign boards shall be placed indicating the direction it is necessary to take in order to reach such place of exit.

Sec. 40. The operator or superintendent of every coal mine, whether a shaft, slope or drift, shall provide and hereafter maintain ample means of ventilation for the circulation of air through the main entries and all other working places to an extent that will dilute, carry off and render harmless the noxious and explosive gases generated in the mine, the same to be not less than one hundred cubic feet per minute per man, and five hundred cubic feet per mule or horse, and shall be properly conducted to all working places.

Sec. 41. No accumulation of explosive gas shall be allowed to exist in the worked out or abandoned parts of any coal mine in operation, and the entrance or entrances to said worked out and abandoned places shall be properly fenced off; and cautionary notices shall be posted upon said fencing to warn persons of danger.

Sec. 42. It shall be the duty of the chief mine inspector to require that proper breaks-through be made in all room-pillars at such distance apart as, in the judgment of the mine inspector, may be deemed requisite, but said breaks-through shall not be more than seventy-five feet apart.

Sec. 43. At all principal doorways through which cars are hauled, an attendant shall be employed for the purpose of opening and closing said doors when trips or cars are passing to and from the workings. Sufficient space shall be provided at such doorways to protect the attendants

from being injured by the cars while attending to their duties; provided, that in any or all coal mines, where doors are constructed in such a manner as to open and close automatically attendants and places for shelter shall not be required.

Sec. 44. The doors used in a system for ventilating or regulating the ventilation of coal mines shall be so hung and adjusted that they will close themselves, or by supplying them with springs or pulleys so that they cannot be left standing open. When ordered by the chief mine inspector a second or emergency door shall be provided at all points where doors are used, said doors to be used in case of damage to the other door. After the passage of this act no ventilating fan shall be placed nearer than thirty feet to an air shaft or air course and shall be placed to one side of the line of such opening so as to remove the fan from the blast of an explosion, and the air duct connecting the fan with such opening, shall be provided with self closing explosion doors.

Sec. 45. It shall be unlawful to use a furnace for ventilating any coal mine where explosive gas is generated in quantities considered dangerous by the chief mine inspector and associate mine inspector of the district in which such mine is located or where there is a known probability of cutting into explosive gas producing territory. This section does not apply to boiler plants in mines installed prior to the passage of this act, unless considered dangerous by the chief mine inspector and associate mine inspector of the district in which such mine is located.

Sec. 46. No steam pipes through which high pressure steam is conveyed, for the purpose of driving pumps or other machinery, shall be permitted on travelling or haulage ways, unless they are encased in asbestos, or some other suitable non-conducting material, or are so placed that

the radiation of heat into the atmosphere of the coal mine will be prevented as far as practicable, provided that after the passage of this act that steam pipes shall be placed in the return airway and may be without casing.

Sec. 47. If at any time the chief mine inspector or his associates are notified or discover that the ventilation in any coal mine within the State is insufficient, the said chief mine inspector or one of his associates, shall proceed within five days to investigate said complaint or complaints by personal inspection of any mine or mines in which the quality or quantity of air is complained of, and if on investigation he finds that the air in any mine is insufficient, he shall direct the operator or operators of said mines to adopt such measures for the proper ventilation of said mine as he deems necessary.

Sec. 48. No person shall place refuse in or obstruct any airway or break-through used as an airway.

Sec. 49. It shall be unlawful for any miner or other person to make or build any fire in any coal mine without the written permission of the superintendent thereof.

Sec. 50. No safety lamp shall be entrusted to any person for use in coal mines until he has given satisfactory evidence to the mine foreman that he understands the proper use thereof and danger of tampering with the same.

Sec. 51. All safety lamps used for examining coal mines or for working therein, shall be the property of the operators, and shall be in the care of the mine foreman, his assistant or fire boss or other competent persons, who shall fill, trim, and examine and deliver the same locked in a safe condition to the men when entering the coal mine, before each shift. A sufficient quantity of extra safety lamps, but not less than twenty-five per cent of those in use shall be kept at each coal mine where methane has at any

time been generated in sufficient quantities to be detected by the ordinary safety lamps for use in case of emergency. It shall be the duty of every person who knows his safety lamp to be injured or defective to promptly report such fact to the party authorized herein to receive and care for said lamps, and it shall be the duty of that person to promptly repair or report such fact to the mine foreman.

Sec. 52. Approved safety catches shall be attached to cage used for the purpose of lowering and hoisting persons into and out of coal mines, and must be provided with suitable sheet iron covers, at least one-fourth inch thick and hinged to open upward, to protect persons riding thereon from falling objects, and also with iron bars or rings in proper place, and sufficient number to furnish a secure handhold for every person permitted to ride thereon. An adequate brake shall be attached to every drum or machine for lowering and hoisting persons into and out of the mine and also indicators which shall show to the person who works the machine the position of the cage or load in the shaft or on the road way. And, all shafts used for hoisting men, shall be equipped with metal tubes or pipes, suitably adapted for the free passage of sound, through which conversation may be held between persons at the top and landings of said shaft, all safety catches provided for herein shall be carefully inspected and properly oiled at least once a week and shall be at all times kept in good working condition.

Sec. 53. The main coupling cage chain in shaft mines attached to the socket of the wire rope may be tested by weights or otherwise to the satisfaction of the mine inspector of the district wherein the coal mine is located, and bridle chains shall be attached to the main hoisting rope above the socket, from the top cross piece of the carriage or cage, so that no single chain shall

be used for lowering or hoisting persons into or out of the mines. At all shafts used for the purpose of hoisting and lowering men, the cages shall be provided with automatic self detaching hooks or the engines handling same shall be equipped with an automatic stopping device to prevent overwinding.

Sec. 54. The owner, operator or lessee of any coal mine shall place in charge of any engines used for conveying into and hoisting out of said coal mine, none but a competent engineer. No other persons unless authorized by the owner, operator or lessee shall enter the engine room, and it shall be unlawful for any person to interfere with or intimidate the engineer in the discharge of his duty. No person shall speak to the engineer while the engine is in motion, unless it be in giving signals to him, and notices to this effect shall be posted on the door of the engine house.

Sec. 55. The ends of all hoisting cables shall be well secured on the drum, and have at least two and a half laps of the same remain on the drum when the cage or trip is at rest at the lowest landing.

Sec. 56. All shafts more than 300 feet deep from which hoisting is done by means of a bucket must be provided with suitable guides, and in connection with the bucket there must be a cross-head traveling upon these guides. The height of the cross-head shall be at least two-thirds of its width. If the cross-head be a type that is not secured to the hoisting rope, a stopper must be securely and rigidly fastened to the hoisting rope at least seven feet above the rim of the bucket.

Sec. 57. No open hook shall be used with a bucket in hoisting. Safety hooks shall be employed.

Sec. 58. Persons engaged in deepening a shaft in which hoisting from an upper level is going



on shall be protected from the danger of falling material by a suitable covering extending over the whole area of the shaft, sufficient openings being left in the covering for the passage of men, a bucket or other conveyance used in the sinking operations. No hoisting shall be done in ~~any compartment of a shaft while repairs are~~ being made in that compartment, excepting such hoisting as is necessary in order to make such repairs.

Sec. 59. Any person riding upon any cage, skip or bucket that is loaded with tools, timber, powder or other material except for the purpose of assisting in passing such material through a shaft or incline and then only after a special signal has been given, shall be guilty of a violation of this act. When tools, timber or other materials are to be lowered or hoisted in a shaft, their ends, if projecting above the top of the bucket, skip or other vehicle shall be securely fastened to the hoisting rope or to the upper part of the vehicle. This shall not apply to workmen carrying their own tools in a shaft.

Sec. 60. No person shall carry any timber or other materials other than tools and the day's supplies, with him on any cage in motion, except for use in repairing the shaft; and no one shall ride on a cage containing a loaded car, or on a single deck cage with an empty car. No cage having an unstable or self dumping platform shall be used for the carriage of men or materials, unless the same is provided with some convenient device by which said platform can be securely locked, and unless it is so locked whenever men or materials are being conveyed thereon. No coal shall be hoisted in any shaft while men are being lowered therein.

Sec. 61. The upper and lower landing at the top of each shaft and the opening of each intermediate seam from or to the shaft, shall be kept clear and free from loose materials, and shall

be securely fenced with automatic or other gates, so as to prevent either men or materials from falling into the shaft.

Sec. 62. At the bottom of every shaft and at every caging place therein, an adequate passage way must be provided around said landing place to serve as a traveling way by which men or animals may pass from one side of the shaft to the other without passing under or on the cage.

Sec. 63. It shall be unlawful to use in any coal mine included within the provisions of this act, any rope or cable for hoisting or lowering either man or material, when such hoisting is done by other means than human or animal power, unless such rope or cable shall be composed of iron or steel wires, with a factor of safety determined as hereinafter set forth, provided, however, that such iron or steel wires may be laid around a hemp center. The factor of safety of all ropes or cables shall, when installed in no case be less than five and shall be calculated by dividing the breaking strength of the rope as given in the manufacturers' published tables by the sum of the maximum load to be hoisted, plus the total weight of the rope in the shaft when fully let out, plus ten per cent of such values, to take account of shock at starting and stopping.

Sec. 63½. It shall be unlawful for any mine operator, superintendent or mine foreman to haul or cause to be hauled on any slope or plane where the grade is against the loaded cars or trips of cars without using a drag on the rear end of the cars or trips of cars when required by two or more mine inspectors for the purpose of derailing the cars or trips of cars in case they break loose and run back. The drag may be of heavy wrought iron or of soft steel.

Sec. 64. No driver or other person shall descend, or ascend a shaft with any horse or mule, unless the said horse or mule is secured in a

suitable box or safely penned, and only the driver in charge of said horse or mule, and such assistants as he may need, shall accompany it in any case.

Sec. 65. The owner, operator or lessee of any coal mine in this State, shall make or cause to be made by a competent engineer an accurate and exact detail map of said mine showing the exact position of said mines in reference to the section line, which shall be connected with some known boundary line of the section or subdivision of the section. Said map shall show accurately the position of any branches, creeks, rivers or railroads under which said mine may extend; also as near as possible the position of any old coal mine nearby. The location of all oil and gas wells shall be shown on said map. Said maps shall show all shafts, slopes, tunnels or other openings to the surface or to the workings of a contiguous coal mine; all excavations, entries, rooms and cross-cuts; the location of the fan and furnace and the direction of the air currents; the location of pumps, hauling engines, engine planes, abandoned works, fire walls and standing water; and the boundary line of any surface outcrop of the seam. A separate and similar map, drawn to the same scale in all cases, shall be made of each and every seam, which after the passage of this act, shall be worked in any coal mine and the maps of all such seams shall show all shafts, inclined planes or other passage ways connecting the same. Each map shall also show by elevation in feet and decimals thereof the rise and dip of the seam from the opening in either direction to the face of the workings. Said map shall be sworn to by the engineer making same. The map provided for herein shall be filed with the chief mine inspector during the month of January, next after opening of said mine, and shall show its condition on the first day of such January, and all new work

inside of the mine must be added to said map, or a new map filed each year thereafter, showing the condition of the mine on the first day of January of the same year, and this provision for additions to maps shall apply to all maps which have heretofore been filed in the office of the chief mine inspector. Said maps shall be filed in the office of the chief mine inspector, who shall provide a suitable and safe place for keeping them. The chief mine inspector with the approval of the board of examiners may refuse to accept maps made by persons claiming to be mining engineers who are not known to be such and of good standing and character in their profession. The mine boss in charge of such mine shall certify to the correctness of such map, to the best of his knowledge and belief, and the additions made thereto. Said map shall be made on a uniform scale of one hundred or two hundred feet to the inch. The persons entitled to examine maps, plats and records of a coal mine shall be the owner, operator or lessee or agent of such coal mine, the persons financially interested in such mine; the owner, or owners, of land adjoining such mine; the owner or owners of land adjacent to such mine; the owner, operator, lessee or agent of a coal mine adjacent to such mine, and the authorized representatives of the employees of such or the employees driving any break-through liable to break into an adjacent mine. The chief mine inspector shall not permit such maps, plans, records and papers to be removed from his office, and shall not furnish copies thereof to any person except by request of the owner, operator, lessee or agent of the mine to which such maps, plans and records pertain. The chief mine inspector during the first three days of January of each year, shall forward, or cause to be forwarded by express, or by other safe means of transmitting at the expense of the owner, op-

erator or agent of the respective coal mines, all maps on file in his office of mines in operation to the chief office of the respective mine as such chief office shall be reported to him, in order that said map may be revised showing the condition of the mine on the first day of January of each year and such owner, operator or agent of each mine in this State shall have such maps revised during the month of January of each year, and return the same to the office of the chief mine inspector charges prepaid, during the said month of January.

Sec. 66. Whenever the operator of any coal mine shall neglect or refuse, or, for any cause not satisfactory to the chief mine inspector, fail for the period of three months, to furnish to said inspector the map or plan of such mine, or a copy thereof, or of the extension thereto, as provided for in this act, such operator shall be deemed guilty of a misdemeanor. In addition thereto the chief mine inspector is hereby authorized to make or cause to be made, an accurate map or plan of such mine at the expense of the owner thereof; and the cost of the same may be recovered by law from the operator in the same manner as other debts by suit, in the name of the chief mine inspector and for his use.

Sec. 67. If the chief mine inspector shall believe that any map or plan of any coal mine made or furnished in pursuance of the provisions of this act is materially incomplete, inaccurate, or imperfect, then the chief mine inspector is hereby authorized to cause a correct survey and map or plan of said mine to be made at the expense of the operator thereof, the cost of which shall be recoverable from said operator as other debts are recoverable by law; provided, that when the chief mine inspector shall cause a new survey and map or plan of any such coal mine, and it is found that the map or plan furnished by the operator was substantially correct, then the cost

of the survey, map or plan caused to be made by the chief mine inspector shall be paid by the State.

Sec. 68. The chief mine inspector may order a survey to be made between the regular survey periods, of the workings of any coal mine and the results to be extended on the maps of the same and the copies thereof, whenever, in his judgment, the safety of the workmen, the support of the surface, and the conservation of the property or the safety of an adjoining coal mine require it.

Sec. 69. When any coal mine is worked out, or is about to be abandoned or indefinitely closed, the operator of the same shall make or cause to be made a final survey, where not already made, of all parts of such mine and the results of the same shall be duly extended on all maps of the mine and copies thereof, so as to show all excavations and the most advanced workings of the mine and their exact relation to the boundary or section lines on the surface and such abandoned mines shall be properly fenced off.

Sec. 70. When it is known that a place is likely to obtain a dangerous accumulation of gases or water, workings when approaching such places, shall not exceed eight feet in width, and the person, or persons, driving such place, shall constantly keep at a sufficient distance ahead, not less than three yards in advance, one bore hole near the center of the working, and one in each corner 15 feet deep, at an angle of forty-five degrees, at intervals of six feet. These holes shall not be used for blasting but separate holes for blasting not over four feet deep, must be drilled. These precautions must begin at least 100 feet from the probable source of danger.

Sec. 71. In any coal mine, or coal mines, or parts thereof, wherein water may have been allowed to accumulate in large and dangerous quantities, putting in danger the adjoining or

adjacent coal mines, and the lives of the miners working therein, and when such can be tapped and set free and flow by its own gravity to any point of drainage, it shall be lawful for any operator or person having a mine so endangered, with the approval of the chief mine inspector, to proceed and remove the said danger by driving a drift or drifts protected by bore holes as provided by this act, and in removing said danger it shall be lawful to drive across property lines if needful, provided, that all coal removed in such driving from adjacent land shall be paid for on the basis of 25 cents per ton of 2,000 pounds. And, it shall be unlawful for any person to dam or in any way obstruct the flow of water from said mine or parts thereof, when so set free on any part of its passage to point of drainage.

Sec. 72. In no case shall the workings of any coal mine be driven nearer than 15 feet to the boundary line of the coal rights of the owner of said mine, except for the purpose of establishing an underground communication between contiguous mines, as provided for elsewhere in this act. Provided, that by mutual consent of adjacent property owners, this distance may be reduced or eliminated entirely and provided, further, that any operator working up to an abandoned coal mine may be permitted to work to his property line if approved by the chief mine inspector, but in such cases proper precautions must be taken as provided in this act.

Sec. 73. Whenever the owner, operator or lessee of any land adjacent to other land on which any coal mine is being worked, shall have reason to believe that such mine is being so worked as to encroach upon his land, and has been refused by the owner, operator or manager of the mine, permission at reasonable time to enter upon said mine with a competent engineer for the purpose of inspecting and surveying such mine, he may

make application under oath to the probate court of the county in which the mine is situated, setting out the facts and praying for an order that such mine shall be surveyed. Upon the hearing after such notice to the owner, operator or lessee of the mine, as the court may prescribe, the court may make an order requiring the chief mine inspector to employ a competent engineer to make a survey of such mine and file such survey in the office of the judge of probate and such survey when filed shall be received in any court as prima facie correct. The court may at any time during the progress of the proceedings require security for costs and may tax the costs in such manner as may be just and equitable.

Sec. 74. No gasoline, or naphtha, shall be used in a coal mine, excepting for operating machinery, blow torches, safety lamps or for operating under the following regulations: Notice shall be made to the chief mine inspector before installing, and the installation and operation shall be subject to his approval. The supply tank from which the gasoline or naphtha is fed to the engine, shall be of metal with a suitable screw cap opening, fitted with a gasket so as to make the tank tight and the tank kept free from leaks; the gasoline or naphtha shall be fed from a tank to the carburetor or mixer by metal tubes securely connected so as to reduce the possibility of leaks to a minimum; the exhaust from the engine, when discharged in the mine, must not contain more than 12 volumes of carbon dioxide and 1 volume of carbon monoxide to 10,000 volumes of air. At no time shall there be more than two days' supply of gasoline or naphtha in the supply tanks; at no time shall more than one day's supply of same be taken into the mine at any one time and at no time shall there be more than two days' supply in the mine; including that in the supply tank. No gasoline or naphtha shall be taken into the mine except in metallic cans,



with a screw cap opening at the top, fitted with a suitable gasket; no package or can or the supply tank of an engine, containing gasoline or naptha shall be opened until ready to make the transfer from the package or can to the supply tank, and in transferring, a funnel shall be used so as to avoid spilling the gasoline or naptha, and the cap on the supply tank shall be immediately closed; in no case shall the package, can, or the supply tank, be opened with any open light or other thing containing fire within twenty-five feet of the same.

Sec. 75. The oiling or greasing of cars inside of coal mines is strictly forbidden, unless the place where said oil or grease is used is kept reasonably clean. Not more than one barrel of lubricating oil shall be permitted in the mine at any one time. No explosive oil shall be used or taken into the mines for lighting purposes except when used in approved safety lamps and illuminating oil shall not be stored or taken into mines in quantities exceeding five gallons. Any person using explosive or impure oils in any coal mine contrary to any of the provisions of this act, shall be guilty of a misdemeanor; provided, this does not apply to gasoline used in gasoline engines or pumps, or naptha, so used.

Sec. 76. It shall be unlawful for any workman to fire a blast without first notifying all persons in the immediate working places of that entry, and without giving sufficient alarm so that any person or persons approaching shall be warned of danger.

Sec. 77. It shall be unlawful for any miner to charge any hole for blasting coal before the hole has been thoroughly cleaned of dust by suitable scraper. It shall be unlawful for any miner to tamp any blasting hole with coal or other inflammable material and it shall be the duty of the owner, operator or lessee of any coal mine wherein clay or other non-inflammable material

suitable for use in tamping in preparing shots cannot be readily obtained to provide and deposit within said mine such material in each working heading, and such miner shall keep a sufficient quantity of clay or other non-inflammable material convenient to his working place, and in case he has not the necessary supply of clay or other non-inflammable material for tamping purposes he shall not charge any blasting hole until the same has been procured.

Sec. 78. At a coal mine where the firing of shots is restricted to specific times, it shall be unlawful for any miner to fire a shot until the time appointed for him to do so, and then only in such rotation as designated.

Sec. 79. It shall be unlawful for any miner, shot firer or workman to fire a blast in any working place which is likely to generate sudden volumes of fire-damp, or where locked safety lamps are used, except with the consent of the mine foreman, or other competent person designated by the mine foreman for that purpose.

Sec. 80. A miner, workman or shot firer who is about to explode a shot with a manufactured squib, shall not shorten the match thereof or saturate with oil or ignite it except at the end; and he shall see that all persons are out of danger from the probable effects of such shots, and whether using squibs or fuse shall take measures to prevent anyone approaching by shouting "fire" immediately before lighting the same.

Sec. 81. It shall be unlawful for any miner, workman or shot firer to explode any shot with a fuse of insufficient length to project from the hole, when the cartridge is at the back of the hole, and in no case less than three feet or to fire any shot which is not tamped the full length of the hole.

Sec. 82. No person shall return to a missed shot, if lighted with a squib until five minutes have elapsed from the time of lighting the same.

or if lighted with fuse, until the following day; and no person shall return to a missed shot when the firing is done by electricity unless the wires are disconnected from the battery or power line.

Sec. 83. Whenever a workman is about to open a box or can containing powder or other explosive, and while handling the same, he shall place and keep his lamp at least five feet distant from said explosive, and in such position that the air current cannot convey sparks to it, and no person shall knowingly approach nearer than ten feet to any open box containing an open can of powder or other explosive with a lighted lamp, lighted pipe, or other thing containing fire. No miner, workman, or other person shall open any keg, can or other container of blasting powder with any pick, wedge, tool or in any manner except by the means of opening the same provided by the manufacturer thereof, and it shall be unlawful, and a violation of this act, for any person to have in his possession in any mine any can or other container of blasting powder containing blasting powder, which has been opened in violation of this act.

Sec. 84. Every person who has powder or other explosive in a coal mine shall keep same in a wooden box securely locked, with hinged lid, and said box shall be kept as far as practicable from the track; and said powder boxes shall be kept as far as practicable from each other and each in a secluded place, nor shall any explosive be kept nearer than 100 feet to any working place. All black powder or other loose blasting material shall be carried into the mine by the miner in a proper receptacle with a securely fastened top.

Sec. 85. No blasting powder or other explosives shall be stored in any coal mine and no workman shall have at any time more than the

supply allowed by the rules and regulations of the mine, and in no case shall more than one kind of explosives be used in any one drill hole; provided, that nothing in this section shall be construed to prevent the operator from taking into the mine, under proper precautions, a sufficient quantity of explosives for the reasonable requirements of such mine for the next succeeding working day.

Sec. 86. It shall be unlawful for any person to take or have in his possession or under his control within any coal mine, any explosive not permitted in the mine by the rules of said mine.

Sec. 87. No stocks of blasting powder and explosive materials shall be kept for storage in a wooden structure.

Sec. 88. It shall be unlawful for any person to take or have in his possession or under his control within any coal mine in the State of Alabama, any dynamite, or any other explosive which may be prohibited by the rules and regulations of said mine from being in said mine, unless such person shall first have the written consent of the mine foreman or other person in charge of the operation of said mine, which said consent in writing shall set forth the use for which any such dynamite or other prohibited explosives may be particularly intended.

Sec. 89. The owner or operator of each coal mine, at which the miners are paid by weight, shall provide such mines with suitable scales of standard make for the weighing of all coal, when contracted for to be weighed.

Sec. 90. All coal mined in this State, contracted for payment by the ton or other weight shall be weighed, and the full weight thereof shall be credited to the miner of such coal, and two thousand pounds of coal shall constitute a ton.

Sec. 91. In all coal mines, the miners employed and working therein may furnish a check weighman, who shall, at proper times, have full

access and examination of the scales, and see all measures and weights and accounts kept of same; provided, that not more than one person shall have such right of access, examination and inspection of scales, measures and accounts at the same time.

Sec. 92. The mine inspector, miners employed in the coal mines and the owner of the land or persons interested in the rental and royalty of such mines, shall at all times have full right of access to scales used at said mines, including tally sheets or tally book in which the weight of coal is kept, to examine the amount of coal mined, for the purpose of testing the accuracy thereof.

Sec. 93. It shall be the duty of the owner, operator or lessee or superintendent of each coal mine to keep at or near the mouth of the mine, or at such other place about or in the mine as shall be designated by the chief mine inspector, a stretcher, properly constructed, and so arranged that it may be carried on top of the mine car without slipping, and a woolen and water proof blanket in good condition, for use in carrying away any person who may be injured at the mines; and where more than 100 men are employed two stretchers and two woolen and water proof blankets shall be kept at or in mines generating fire damp. A sufficient quantity of linseed oil, olive oil or sterilized sweet oil kept in close packages, and also carbolized vaseline, bandages, and linen shall be kept in the store at the mines or at such other place as would be convenient to the mines for use in emergencies and bandages shall be kept at all times.

Sec. 94. Any building, erected after the passage of this act, for the purpose of housing the hoisting engine or boilers at any shaft, shall be substantially fireproof and no boiler house shall be nearer than sixty feet to the main shaft, or

opening, or to any inflammable structure connected therewith.

Sec. 95. After the passage of this act, it shall be unlawful to place a main or principal ventilating fan inside of any coal mine.

Sec. 96. The owner, operator, lessee or agent of a coal mine at which the live stock is kept underground, shall observe the following: The stable or stalls shall be separated from the main inlet and main outlet air courses by not less than twenty feet of solid strata or a solid wall of brick masonry not less than twelve inches in thickness, except at two doors not more than five feet wide, which shall be made of steel plate not less than one-quarter of an inch in thickness and hinged to the solid strata or masonry without the use of wood; the ventilation for the stable shall be taken from the main inlet air courses by a by-pass or separate split and returned to the main outlet air course so that the air passing the stables will not enter the inward working places of the mine, and arranged so that the by-pass or split can readily be closed at both inlet and outlet sides of the stable by steel doors described above; the construction of the stable inside shall be free from pine or light lumber; shall be of brick masonry as much as practicable, and any timber used shall be of hardwood of a cross section not less than three by six inches; no hay or straw shall be taken into the mine or stable unless the same be compressed into compact bales, and then only from time to time in such quantity as will be required for two days' use; no greater quantity of hay or straw shall be stored in the mine or stable, and when such is taken into the mine it shall be taken inside the stable at once; the lights used inside the stable shall be incandescent electric lamps, placed so that the same will not be injured by the stock or persons required to enter the stable, or lanterns of railroad type suitable for using lard or signal oil,

and only such oil shall be used therein; all refuse and waste shall promptly be removed from the stable and mine and shall not be allowed to accumulate. Stables constructed underground, after the passage and approval of this act shall be located not nearer than one hundred and fifty feet of any opening to the mines used as a means of ingress and egress.

Sec. 97. It shall be unlawful for any person to take a lighted pipe or other thing containing fire, except lanterns as provided for in the preceding section into any stable in any coal mine in this State.

Sec. 98. No person, or persons, except those in charge of trips, superintendents, mine foremen, electricians, machinists and blacksmiths and others, when required by their duty shall ride on haulage trips, except a special trip of empty cars may be operated for the purpose of taking employees into and out of the mine, when the distance to and from their work exceeds one mile. No person, excepting trip riders, shall ride on loaded car or cars, and they shall ride only the front or rear end of the trip.

Sec. 99. No other person shall be allowed to travel on foot to or from his work on any incline plane, rope or locomotive roads, when other roads are provided for that purpose.

Sec. 100. Voltage.—Rule 1. Electrical pressure or voltage referred to in these regulations is understood to mean that measured on all apparatus wires and cables installed or user underground. It not only applies to voltages measured between terminals, conductors, etc., but also to the voltage measured between any one conductor, terminal, etc., and the earth. Rule 2. Three systems of voltages are described as fol-

lows: Class 1. Low. 300 volts direct current, or 240 volts alternating current or less. Class 2. Med. Between 300 volts and 600 volts direct current, or 240 volts and 480 volts alternating current. Class 3. High. 600 volts direct current or 480 volts alternating current and higher. Rule 3. No apparatus or conductors carrying a voltage within class three shall be allowed in or about working places. Rule 4. Portable apparatus using a voltage of class three are prohibited. Rule 5. Electrical equipments installed after this date shall not use any voltage higher than that in class one in or about working places. This does not prohibit the use of voltages defined in classes two and three (except in or about working places) provided such apparatus is installed and maintained according to these regulations. Rule 6. Power circuits entering the mine must be protected against lightning by lightning arresters at all points of entrance to the mines. Rule 7. The three wire double voltage system having a maximum voltage within class two may be used provided the neutral is effectively grounded and the maximum voltage between any conductor and the earth complies with these regulations. Rule 8. The regulations covering the installation and maintenance of conductors do not apply to the grounded or return conductor or any grounded system. Rule 9. Trolley wires are prohibited in any part of the mine where safety lamps are used. Rule 10. Series arc and incandescent systems of class three shall not be used. Rule 11. Conductors in shafts and slopes used as traveling ways and in escape ways shall be protected. Rule 12. Conductors of voltage of class three shall be reasonably protected against mechanical injury and be adequately insulated to minimize the danger of fire and shock. Such conductors shall not be used where they cannot be made to comply with these regulations. Rule 13. All trolley wires



carrying a voltage of class two must be properly shielded except where the same are at least 6½ feet above top of rail. Rule 14. Signal wires shall be run at a safe distance and where possible placed on side of slope or heading away from other circuits. Rule 15. A separate or independent circuit shall be provided for shot firing, where done by electricity from the outside. A switch above the surface controlling all the shot firing circuits must be kept in a locked box, accessible only to the authorized shot firers, and switch not closed except to fire shots after which it must be opened and locked opened. Rule 16. All shot firing switches shall be kept open until immediately before the shots are fired. After the shots are fired, the switches must be locked in open position. Rule 17. No lighting or power circuits in the mines shall be used for firing shots except in sinking shafts or rock slopes, and then only when a special switch for such firing circuit is provided and fixed in a locked box accessible only to the authorized shot firers. Rule 18. Shot firing wires, shall, where possible, be put on the side of the heading or slope away from power and lighting circuits. Rule 19. Where this system is used a suitable means of disconnecting wiring in working places shall be provided, and kept open at all times, when miner is working in his place. Rule 20. Oil switches only shall be used for voltages of class three. Rule 21. Any unusual arcing, sparking, or heating of any of the electrical equipment shall be reported at once to the proper mine officer by the attendant or any other person having knowledge of same.

Sec. 101. No person shall erase or change a mark or reference or monument made in connection with measurements; change the checks on cars; wrongfully check a car, or do any act with reference thereto with the intent to defraud.

Sec. 102. Any employee, or other person, who shall wilfully deface, pull down or destroy any notice board, danger signal, general or special rules or mining laws, shall be guilty of a misdemeanor.

Sec. 103. All persons are forbidden to meddle or tamper in any way with any electric or signal wires in or about the mines.

Sec. 104. Persons not employees of a coal mine shall not enter such mine unless the consent of the operator or his authorized representative has been secured and shall not stand on the tracks or go near the machinery or other place of danger.

Sec. 106. Whoever shall, while under the influence of intoxicating liquor, enter any coal mine, or any of the buildings connected with the operation of the same, within this State, where miners or other workmen are employed, or whoever, shall carry intoxicating liquors into the same, shall be deemed guilty of an offense against this act, and upon conviction shall be punished accordingly.

Sec. 107. On and after the passage of this act any coal mine superintendent, mine foreman, or assistant mine foreman, or any other person or persons, who shall receive or solicit any sum of money, or other valuable consideration, from any of his or their employees for the purpose of continuing in his or their employ, or for the purpose of procuring employment, or procuring or keeping working places shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than fifty dollars, nor more than three hundred dollars, and shall be sentenced at hard labor for the county for not less than six months.

Sec. 108. No woman of any age or boy under the age of fourteen shall be employed to work or labor in or about any coal mine in this State.

Sec. 109. For the purpose of making known the rules and provisions of this law to all persons employed in or about coal mines, to which this law applies, an abstract of the law and rules shall be furnished by the chief mine inspector and posted up in legible characters in some conspicuous place or places at or near the mines where they may be conveniently read by the persons employed, and so often as they become obliterated or destroyed, the owner, operator, lessee or superintendent, shall cause them to be renewed with all reasonable dispatch. Any person who pulls down, injures, or defaces such abstract of the law or rules when up in pursuance of the provisions of this chapter, shall be guilty of an offense against the law. The mine rules and regulations so posted shall limit and govern the amount and kind of explosives used in said mine.

Sec. 110. Any willful neglect or refusal or failure to do the things required to be done by any section, clause or provision of this act, on the part of the person, or persons, herein required to do them, or any willful violation of any of the provisions or requirements hereof, or any willful attempt to obstruct or interfere with any inspectors in the discharge of the duties herein imposed upon him, shall be deemed a misdemeanor, and unless herein otherwise provided punishable by a fine of not less than five dollars or more than five hundred dollars, or by imprisonment in the county jail for a period not exceeding six months, one or both, at the discretion of the court; provided that in addition to the above penalties, in case of the failure of any operator to comply with the provisions of this act in relation to the sinking of escape-ment shafts and the ventilation of mines, the State's attorney for the county in which such failure occurs shall proceed against such operator by injunction without bond, to restrain him

from continuing to operate such mine until such legal requirements shall have been fully complied with.

Sec. 110½. The word person wheresoever used in this act shall include corporation, association, co-partnership or firm as well as an actual person.

Sec. 111. All laws and parts of laws, local, general or special in conflict with the provisions of this act are hereby repealed.

Yeas, 67; nays, 1.

Yeas:

Messrs:—

Speaker	Johnson (Marshall)	Pittman
Acker	Judge	Pitts
Arnold	Kilburn	Popwell
Barnard	Lane	Pruett
Bell (Autauga)	Lawson	Quinn
Brown (Pike)	Lee	Richeson
Brown (Tuscaloosa)	Letson	Roberson
Butt	Lloyd	Rylance
Carroll	Martin (Calhoun)	Smith
Darden	Martin (Jackson)	Stollenwerck
Doswell	Mastin	Sturdivant
Eastis	Merrill	Sullivan
Edmonds	Milner	Thomas
Gewin	Molton	Twombly
Helms	Mulkey	Waddell
Hollis (Choctaw)	McCurdy	Waits
Hollis (Walker)	McDonald	Walden
Horton	McGowen	Walker
Huddleston	McLendon	Whatley
Jackson	Nicholson	Wheless
James	O'Neill	Wilhite
Jenkins (Bullock)	Overton	Williams
Johnson (Elmore)		

Nays:

Mr. Wright

—67

—1

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

The committee on Enrolled bills have examined the following House bills:

H. 36. For the relief of the officers and enlisted men of "M" Company 2nd Regiment, Alabama National Guard, who served time at camp of instruction, held at Chicamauga Park, Georgia, from July 21, 1910, to July 31, 1910, inclusive.

H. 346. To regulate primary elections in the State of Alabama.

H. 445. For the regulation and control of fraternal benefit societies.

H. 512. For the relief of Walter Jones, administrator of the estate of P. P. Jones, deceased.

H. 699. To amend section 4031 and 4032 of the code of Alabama.

H. 18. To amend an act "to amend section 546 and 547 of the code of 1907," approved Aug. 26, 1909.

And find same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.

SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum of the House, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled bills.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from his excellency the governor, with his objections and proposing an amendment to:

S. 208. To provide and create a commission form of government and to permit the adoption of the same in

all cities in the State of Alabama which now have, or which may hereafter have, a population of more than fifteen hundred and not more than twenty-five thousand people according to the last Federal census, or any Federal or municipal census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and retention in and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, mayors, councilmen and certain other city officials and otherwise provide for the creation and maintenance of said commission form of government.

And the Senate has amended the bill as proposed by the governor by adopting and concurring in such proposed amendment.

Yeas, 20; nays, 0.

Which is a majority of the whole number elected to the Senate, and the Senate herewith sends said bill with the governor's message and proposed amendment herewith to the House of Representatives.

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

The House concurred in and adopted the governor's amendment to the bill, S. 208, the title to which is set out in the above and foregoing Senate message, said governor's amendment being as follows:

Amend the caption of the bill by striking out the words "fifteen hundred" where they appear in the fifth line of said caption, and inserting in lieu thereof the words "one thousand."

Amend section 12 of the bill by striking out lines 3, 4, and the words "of any political party, nor shall any" in line 5 of said section, and inserting in lieu thereof the word "no." Further amend section 12 of the bill by inserting after the word "person" and before the words "be eligible" in the 5th line of said section, the word "shall."

Yeas, 60; nays, 0.

**Yeas:****Messrs:—**

<b>Speaker</b>	<b>Helms</b>	<b>Parks</b>
<b>Barnard</b>	<b>Hood</b>	<b>Pharr</b>
<b>Brewer</b>	<b>Horton</b>	<b>Pegram</b>
<b>Boswell</b>	<b>Jackson</b>	<b>Pittman</b>
<b>Burton</b>	<b>James</b>	<b>Pitts</b>
<b>Bush</b>	<b>Jones</b>	<b>Popwell</b>
<b>Butt</b>	<b>Judge</b>	<b>Preston</b>
<b>Capps</b>	<b>Kilburn</b>	<b>Pruett</b>
<b>Carroll</b>	<b>Knight</b>	<b>Quinn</b>
<b>Darden</b>	<b>Lane</b>	<b>Ramsey</b>
<b>Dennis</b>	<b>Lawson</b>	<b>Rice</b>
<b>Eastis</b>	<b>Lee</b>	<b>Sanders</b>
<b>Edmonds</b>	<b>Letson</b>	<b>Smith</b>
<b>Flanagan</b>	<b>Lloyd</b>	<b>Sullivan</b>
<b>Fletcher</b>	<b>Lumpkin</b>	<b>Thomas</b>
<b>Fowlkes</b>	<b>Mastin</b>	<b>Waddell</b>
<b>Fuquay</b>	<b>Merrill</b>	<b>Walden</b>
<b>Gewin</b>	<b>Merritt</b>	<b>Walker</b>
<b>Greene</b>	<b>Milner</b>	<b>Wheeless</b>
<b>Griffith</b>	<b>Molton</b>	<b>Williams</b>

—60

**BILL ON THIRD READING.**

**S. 443.** To provide a stenographer for the supreme court reporter, to fix the salary of the same, and make appropriation to pay such salary.

Was read a third time at length and passed.

Yeas, 50; nays, 12.

**Yeas:****Messrs:—**

<b>Speaker</b>	<b>Darden</b>	<b>Jackson</b>
<b>Acker</b>	<b>Dennis</b>	<b>James</b>
<b>Arnold</b>	<b>Fletcher</b>	<b>Jenkins (Baldwin)</b>
<b>Barnard</b>	<b>Fowlkes</b>	<b>Jones</b>
<b>Bell (Autauga)</b>	<b>Gewin</b>	<b>Judge</b>
<b>Boswell</b>	<b>Hollis (Walker)</b>	<b>Knight</b>
<b>Brown (Tuscaloosa)</b>	<b>Horton</b>	<b>Lane</b>
<b>Butt</b>	<b>Huddleston</b>	<b>Lumpkin</b>

Martin (Calhoun)	McGowen	Ramsey
Martin (Jackson)	McLendon	Roberson
Mastin	Nicholson	Smith
Mathews	Overton	Stollenwerck
Milner	Pegram	Sullivan
Molton	Pittman	Waddell
Mulkey	Pitts	Wheeless
McCurdy	Preston	Wright
McDonald	Pruett	

—50

## Nays:

Messrs:—

Burton	Johnson (Marshall)	Popwell
Edmonds	Lee	Quinn
Fowlkes	O'Neill	Sturdivant
Hood	Pittman	Whatley

—12

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to Senate bill:

S. 162. To prohibit the selling or exhibiting for sale of any goods, wares or merchandise upon the private roads or lands of another, or the entering upon such private roads or lands of another not lying within the police jurisdiction of an incorporated city or town for the purpose of selling or exhibiting for sale any goods, wares or merchandise, without the written consent of the owner of such private roads or lands, in counties in Alabama having a population of less than sixty thousand inhabitants according to the last Federal census or any succeeding Federal census.

J. A. Kyle,  
Secretary.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The President and presiding officer of the Senate having signed the following Senate bills:



S. 359. An act to appropriate fifteen thousand dollars (\$15,000.00) to be used by the Alabama oyster commission, as provided for by law, in fostering, protecting, improving, developing and regulating the oyster industry of Alabama. In conserving the oyster resources of the State and in making the barren oyster bottom productive.

S. 176. An act to provide a manner of selling all the property of a private corporation.

S. 462. An act to amend section 2218 of the code of Alabama of 1907.

S. 456. An act to create and establish the Juvenile Court of Jefferson county, Alabama; to create and define its jurisdiction; and conferring power on said court to adjudicate on all cases of children under sixteen (16) years of age, who are delinquent, indigent, neglected or otherwise subject to discipline, or in need of the care and protection of the State, and regulating the procedure in such cases, including the establishment and maintenance of detention home and probation system, and the appointment of guardians for such children, and providing for the welfare of indigent children as objects of charity, for the public good; to provide for the officers of said court, and define their powers and duties, and provide for their compensation.

S. 267. An act to repeal an act entitled an act to regulate the procedure in the trial of causes wherein lands are sought to be condemned, approved August 26th, 1909.

Your signature thereto is requested.

J. A. Kyle,  
Secretary.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum of the House, signed the bills the titles to which are set out in the above and foregoing message from the Senate.

## BILLS ON THIRD READING.

**S. 444.** To regulate the inspection and use of illuminants in mines in the State of Alabama and sales of illuminants for the use in mines.

Was read a third time at length and passed.

Yeas, 63; nays, 18.

Yeas:

Messrs:—

Acker	Greene	Mulkey
Arnold	Hollis (Walker)	McCurdy
Barnard	Horton	Nicholson
Bell (Autauga)	Huddleston	O'Neill
Brewer	Jackson	Overton
Boswell	James	Parks
Brown (Pike)	Jenkins (Baldwin)	Pharr
Brown (Tuscaloosa)	Jenkins (Bullock)	Pittman
Burton	Johnson (Marshall)	Pitts
Bush	Jones	Popwell
Butt	Kilburn	Pruett
Carroll	Knight	Ramsey
Chamberlain	Lane	Rice
Darden	Lee	Roberson
Dennis	Letson	Sanders
Edmonds	Lloyd	Smith
Flanagan	Martin (Calhoun)	Strickland
Fletcher	Martin (Jackson)	Sullivan
Fowlkes	Mastin	Twombly
Fuquay	Mathews	Wilbrite
Gewin	Merrill	Williams

—63

Nays:

Messrs:—

Speaker	Lumpkin	Quin
Capps	Milner	Richeson
Eastis	Molton	Stollenwerck
Helms	McDonald	Walden
Hood	McGowen	Whately
Johnson (Clarke)	McLendon	Wright

—18

S. 423. To amend section eight hundred and four (804) of the code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 54; nays, 13

Yeas:

Messrs:—

Speaker	Hollis (Walker)	McGowen
Acker	Horton	McLendon
Arnold	Jackson	Nicholson
Barnard	James	Overton
Bell (Autauga)	Jenkins (Baldwin)	Parks
Boswell	Jenkins (Bullock)	Pharr
Burton	Jones	Popwell
Bush	Judge	Rice
Butt	Kilburn	Richeson
Carroll	Knight	Sanders
Chamberlain	Lee	Smith
Cranford	Lloyd	Stollenwerck
Darden	Lumpkin	Sullivan
Fletcher	Martin (Calhoun)	Twombly
Fowlkes	Milner	Waddell
Fuquay	Molton	Walden
Gewin	Mulkey	Wheelless
Greene	McDonald	Wright

—54

Nays:

Messrs:—

Capps	Mastin	Sturdivant
Eastis	Merrill	Walden
Hood	Pittman	Whatley
Huddleston	Quinn	Williams
Johnson (Clarke)		

—13

S. 225. To define the governing body, and the method of the exercise of legislative functions by the same, in cities of less than six thousand population, and in towns.

Was read a third time at length and passed.

Yeas, 64; nays, 0.

Yeas:

Messrs:—

Speaker	Helms	Parks
Acker	Hood	Pharr
Arnold	Horton	Pittman
Barnard	Jackson	Pitts
Brewer	James	Preston
Burton	Jones	Pruett
Bush	Judge	Quinn
Butt	Knight	Ramsey
Capps	Lane	Rice
Cranford	Lawler	Richeson
Darden	Lee	Roberson
Dennis	Letson	Rylance
Doswell	Lloyd	Sanders
Eastis	Lumpkin	Smith
Edmonds	Mastin	Sullivan
Flanagan	Merrill	Twombly
Fletcher	Merritt	Waits
Fowlkes	Milner	Walker
Fuquay	Molton	Wheless
Gewin	Mulkey	Williams
Greene	O'Neill	Wright
Griffith	Overton	

—64

## RECESS.

The hour of 5:30 having arrived, the House recessed until 8 o'clock p. m.

## NIGHT SESSION.

The hour of eight o'clock having arrived, the House reconvened.

S. 111. To regulate the practice of veterinary medicine and surgery in the State of Alabama.

Was read a third time at length and lost.

Yeas, 35; nays, 40.

## Yeas:

## Messrs:—

Speaker	Greene	McLendon
Acker	Helms	Overton
Arnold	Hollis (Walker)	Popwell
Bell (Autauga)	Jackson	Preston
Brindley	James	Rice
Brown (Pike)	Jenkins (Baldwin)	Smith
Brown (Tuscaloosa)	Kilburn	Stollenwerck
Bush	Lane	Sullivan
Chamberlain	Letson	Waddell
Cranford	Lumpkin	Walden
Eastis	Merritt	Wheless
Fletcher	Mulkey	

—35

## Nays:

## Messrs:—

Barnard	Huddleston	Pittman
Boswell	Jenkins (Bullock)	Pitts
Butt	Johnson (Marshall)	Pruett
Capps	Jones	Quinn
Cranford	Knight	Richeson
Darden	Lee	Roberson
Dennis	Lloyd	Sanders
Edmonds	Martin (Calhoun)	Strickland
Flanagan	Martin (Jackson)	Sturdivant
Fuquay	Milner	Sullivan
Gewin	McGowen	Waddell
Hollis (Walker)	O'Neill	Walden
Hood	Pharr	Wilhite
Horton		

—40

## MESSAGE FROM THE GOVERNOR.

Chief Executive Department, Alabama,  
Montgomery, Ala., April 11th, 1911.

To the House of Representatives:

I herewith return House bill 693, without my approval:

This bill dissolves the charter of a town, makes no provision for its indebtedness, if any, or for the disposition of any property it may own.

In addition I have several protests from many citizens of the town against the bill, with no requests to sign it.

Emmet O'Neal,  
Governor.

MESSAGE FROM THE GOVERNOR.

Crief Executive Department, Alabama.  
Montgomery, Ala., April 14th, 1911.

To the House of Representatives:

I herewith return House bill 658, without my approval.

The notice in this case is to place Mrs. Snow on the pension roll. The bill as passed was wholly variant from this notice in that it appropriated a sum of money to her for the year 1910, predicated the appropriation on the fact that she had been erroneously dropped from the roll, and is therefore in violation of section 106 of the Constitution.

Emmet O'Neal,  
Governor.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill:

H. 476. To amend section 2103 of the code of Alabama of 1907.

And returns same herewith to the House.

SENATE MESSAGE.

On motion of Mr. Jenkins of Baldwin, the House concurred in and adopted the Senate amendment to the bill, H. 476, said Senate amendment being as follows:

Substitute for House Bill 476:

A bill to be entitled an act, to amend section 2103 of the code of 1907.

Section 1. *Be it enacted by the Legislature of Alabama*, That section 2103 of the code of 1907, be and the same is hereby amended so as to read as follows:

"Section 2103. (3931) Appointments by assessor ~~and notice thereof; effect of failure to give notice or attend.~~ The assessor shall give at least twenty days' notice, by advertisement in a newspaper, if there be one published in the county, and by bill posted at five or more public places in each election precinct, of the time when and the place where he will attend to assess the taxes. He shall visit each voting place in each precinct, and remain there one time from eight o'clock a. m. until four o'clock p. m. In towns other than county seats of five thousand inhabitants or more, he shall remain at the place of appointment for one month, and in places of one thousand inhabitants and not over five thousand inhabitants, he shall remain at the place of appointment for one week. Upon failure of the tax assessor to give the notice required by this section or to attend any appointment made by him in any precinct, he shall, after legal notice, fill new appointments or forfeit all claims to fees from such persons in such precincts as were disappointed by his non-attendance. In all counties having forty thousand inhabitants or more, he shall keep his office open at the court house all the year round, and in all other counties he shall keep his office open at the court house from the first day of October until the first day of May following.

Yeas, 60; nays, 0.

Yeas:

Messrs:—

Speaker	Beil (Pickens)	Butt
Acker	Brindley	Capps
Arnold	Boswell	Carroll
Barnard	Burton	Darden
Bell (Autauga)	Bush	Dennis

Fuquay	Letson	Popwell
Gewin	Lumpkin	Preston
Griffith	Mastin	Pruett
Helms	Mathews	Quin
Hood	Merrill	Ramsey
Horton	Merritt	Rice
Jackson	Milner	Richeson
James	Molton	Roberson
Jones	Nicholson	Rylance
Judge	O'Neill	Waits
Kilburn	Overton	Walden
Lane	Pharr	Walker
Lawler	Pegram	Whately
Lawson	Pittman	Williams
Lee	Pitts	Wright

—60

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown, and as amended has passed the following House bill:

H. 312. To amend section 7550 of the code of Alabama.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

On motion of Mr. Strickland, the House concurred in, and adopted the Senate amendment to the bill, H. 312, the title to which is set out in the above and foregoing Senate message, said amendment being as follows:

Amend by adding after the word "Pharmist" where it appears in the bill, the following: "On practicing physicians."

Yeas, 60; nays, 0.



## Yeas:

## Messrs:—

Speaker	Fowlkes	Merrill
Acker	Fuquay	Merritt
Arnold	Griffith	McCurdy
Barnard	Helms	McGowen
Brewer	Hood	Nicholson
Brindley	Horton	O'Neill
Boswell	Jackson	Overton
Burton	James	Pharr
Bush	Jones	Pegram
Butt	Judge	Pittman
Capps	Kilburn	Pitts
Carroll	Knight	Popwell
Chamberlain	Lane	Preston
Cranford	Lawler	Pruett
Darden	Lawson	Rice
Dennis	Lee	Richeson
Eastis	Letson	Rylance
Edmonds	Lloyd	Waddell
Flanagan	Lumpkin	Waites
Fletcher	Mastin	Wilhite

—60

## BILLS ON THIRD READING.

S. 397. To provide for the location of hospitals, infirmaries, or other places in which sick or wounded persons are to be cared for or treated and to provide penalties for its violation.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

## Yeas:

## Messrs:—

Speaker	Burton	Dennis
Acker	Bush	Eastis
Arnold	Butt	Fuquay
Barnard	Capps	Gewin
Brewer	Carroll	Greene
Brindley	Cranford	Griffith
Boswell	Darden	Helms

<b>Hood</b>	<b>Lumpkin</b>	<b>Preston</b>
<b>Horton</b>	<b>Mastin</b>	<b>Pruett</b>
<b>Huddleston</b>	<b>Merrill</b>	<b>Quinn</b>
<b>Jackson</b>	<b>Merritt</b>	<b>Rice</b>
<b>James</b>	<b>Milner</b>	<b>Rylance</b>
<b>Jones</b>	<b>Molton</b>	<b>Sanders</b>
<b>Judge</b>	<b>O'Neill</b>	<b>Smith</b>
<b>Kilburn</b>	<b>Overton</b>	<b>Thomas</b>
<b>Knight</b>	<b>Pharr</b>	<b>Twombly</b>
<b>Lane</b>	<b>Pegram</b>	<b>Waddell</b>
<b>Lee</b>	<b>Pittman</b>	<b>Waits</b>
<b>Letson</b>	<b>Pitts</b>	<b>Walden</b>
<b>Lloyd</b>	<b>Popwell</b>	<b>Wright</b>

—60

S. 237. To amend section 3281 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 47; nays, 24.

Yeas:

Messrs:—

<b>Speaker</b>	<b>James</b>	<b>Nicholson</b>
<b>Acker</b>	<b>Jenkins (Bullock)</b>	<b>O'Neill</b>
<b>Arnold</b>	<b>Judge</b>	<b>Overton</b>
<b>Barnard</b>	<b>Kilburn</b>	<b>Pitts</b>
<b>Bell (Autauga)</b>	<b>Knight</b>	<b>Popwell</b>
<b>Brown (Pike)</b>	<b>Lee</b>	<b>Preston</b>
<b>Bush</b>	<b>Letson</b>	<b>Pruett</b>
<b>Butt</b>	<b>Lumpkin</b>	<b>Quinn</b>
<b>Chamberlain</b>	<b>Martin (Calhoun)</b>	<b>Rice</b>
<b>Cranford</b>	<b>Martin (Jackson)</b>	<b>Smith</b>
<b>Dennis</b>	<b>Merrill</b>	<b>Stollenwerck</b>
<b>Fletcher</b>	<b>Merritt</b>	<b>Sullivan</b>
<b>Greene</b>	<b>Mulkey</b>	<b>Twombly</b>
<b>Horton</b>	<b>McCurdy</b>	<b>Waddell</b>
<b>Huddleston</b>	<b>McDonald</b>	<b>Williams</b>
<b>Jackson</b>	<b>McGowen</b>	

—47

Nays:

Messrs:—

Brindley	Gewin	Sanders
Burton	Hood	Strickland
Capps	Jenkins (Baldwin)	Sturdivant
Darden	Johnson (Marshall)	Walden
Eastis	Jones	Whatley
Edmonds	Lloyd	Wheeless
Flanagan	Mastin	Wilhite
Fuquay	Richeson	Wright

—24

§. 454. To establish an inferior court in precincts 21 and 37 lying within or partly within the city of Birmingham, Alabama, in lieu of all justices of the Peace in said precincts, and in lieu of all other inferior courts in lieu of justices of peace, heretofore created in said territory, and to define the jurisdiction and power of said court, and judges, clerks and other officers thereof, to provide separate divisions, and provide for places of holding the same.

Was read a third time at length and passed.

Yeas, 57; nays, 8.

Yeas:

Messrs:—

Speaker	Eastis	Lumpkin
Acker	Flanagan	Mathews
Arnold	Fuquay	Merrill
Avery	Gewin	Milner
Brewer	Griffith	Molton
Brindley	Helms	O'Neill
Boswell	Horton	Overton
Brown (Pike)	Jackson	Pharr
Brown (Tuscaloosa)	James	Pegram
Burton	Jones	Pitts
Bush	Judge	Popwell
Butt	Lane	Rice
Carroll	Lavender	Richeson
Cranford	Lawler	Roberson
Darden	Lee	Rylance
Dennis	Lloyd	Smith

Thomas	Waites	Wilhite
Twombly	Walden	Williams
Waddell	Walker	Wright

—57

Nays:

Messrs:—

Capps	Hood	Whatley
Edmonds	Mastin	Wheeless
Greene	Sanders	

—8

S. 174. To amend section 1258 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 56; nays, 1.

Yeas:

Messrs:—

Speaker	Greene	Pharr
Acker	Helms	Pegram
Arnold	Hood	Pittman
Barnard	Horton	Pitts
Brewer	James	Popwell
Brindley	Jones	Preston
Boswell	Judge	Pruett
Burton	Kilburn	Quinn
Bush	Lane	Rice
Butt	Lawler	Rylance
Carroll	Lawson	Sanders
Cranford	Lee	Smith
Darden	Letson	Sullivan
Eastis	Lloyd	Thomas
Edmonds	Lumpkin	Twombly
Fletcher	Mastin	Wheeless
Fowlkes	Merrill	Wilhite
Fuquay	O'Neill	Wright
Gewin	Overton	

—56

Nays:

Messrs:—

Mr. Huddleston

—1

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill:

H. 668. To appropriate the sum of seven thousand five hundred dollars for the erection of a dormitory to be used by students of the fifth congressional district agricultural school located at Wetumpka, Alabama.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in the House amendment to S. 193. Requiring milch cows affected with tuberculosis where the milk from such animals is furnished to the people of cities and towns to be slaughtered at a public abattoir.

J. A. Kyle,  
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President and presiding officer of the Senate having signed the following Senate bills:

S. 20. An act to amend section 3164 of the code of Alabama of 1907.

S. 68. An act to amend an act to prescribe the qualifications of jurors and regulate the selection, drawing and summoning of jurors, and prescribe the qualifications and provide for the appointment of jury commissioners and clerks of said commission and regulate the empanelling of grand and petit juries in all of the courts of this State, which act was approved August 31, 1909, in so far as the same shall apply to the counties which now have a population of forty thousand or less, according to the last Federal census or any Federal census hereafter taken.

S. 182. An act to amend section 8 of the code of Alabama of 1907.

S. 193. An act requiring milch cows affected with tuberculosis where the milk from such animals is furnished to the people of cities and towns to be slaughtered at a public abattoir.

S. 208. An act to provide and create a commission form of government and to permit the adoption of same in all cities in the State of Alabama which now have, or which may hereafter have, a population of more than fifteen hundred and not more than one thousand people according to the last federal census, or any federal census or municipal census which may hereafter be taken; to regulate the selection and election of commissioners, and their terms of office and retention in and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, mayors, councilmen and certain other city officials and otherwise provide for the creation and maintenance of said commission form of government.

S. 225. An act to define the governing body, and the method of the exercise of legislative functions by the same, in cities of less than six thousand population, and in towns.

S. 334. An act to provide for the appointment of an official court stenographer for the fifteenth judicial circuit of Alabama; to prescribe his duties; to fix his compensation, and to provide for the payment of the same.

S. 423. An act to amend section eight hundred and four (804) of the code of Alabama of 1907.

S. 443. An act to provide a stenographer for the supreme court reporter, to fix the salary of the same, and make appropriation to pay such salary.

S. 444. An act to regulate the inspection and use of illuminants in mines in the State of Alabama and sales of illuminants for the use in mines.

Your signature thereto is requested.

J. A. Kyle,  
Secretary.

## SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out ~~in the above and foregoing message from the Senate.~~

## BILLS ON THIRD READING.

S. 7. Regulating the administration of estates in the chancery courts and courts of like jurisdiction in this State, and conferring jurisdiction on said courts in such proceedings, and on application of an administrator or executor in any administration to order a private sale of either real or personal property.

Was taken up.

Mr. Mulkey offered the following substitute for the bill:

Substitute for Senate bill 7:

A bill to be entitled an act regulating administration of estates in the chancery courts and courts of like jurisdiction in this State.

Section 1. *Be it enacted by the Legislature of Alabama*, That in the administration of estates in the chancery court, or court of like jurisdiction, in this State, such court, in the exercise of such jurisdiction, may in its discretion, proceed according to its own rules and practice without regard to any of the statutory requirements, provided for administration of estates in the probate court; provided, that nothing herein shall be so construed as to deprive such chancery court or court of like jurisdiction of any power or authority now conferred on it by law.

Section 2. That the chancery court, or court of like jurisdiction, in this State shall be considered always open for the purpose of hearing petitions, applications, motions and reports and making any and all necessary or proper orders or decrees in the administration of estates in said court.

Section 3. That the administration of any estate may, at any time before application has been filed for final settlement, be removed from the probate to the chancery court, or court of like jurisdiction, by any heir or distributee of such estate, without assigning any special equity; and an order of removal must be made by the court, chancellor or judge either in term time or vacation, upon the filing of a sworn petition reciting that petitioner is such heir or distributee.

Section 4. That all laws and parts of laws, in conflict with the provisions of this act be, and the same are hereby, expressly repealed.

And the substitute was adopted.

Yeas, 59; nays, 0.

Yeas:

Messrs:—

Speaker	Hood	Overton
Acker	Horton	Pharr
Arnold	Jones	Pegram
Barnard	Judge	Pittman
Brewer	Kilburn	Pitts
Brindley	Knight	Popwell
Boswell	Lane	Preston
Burton	Lawler	Prnett
Bush	Lawson	Quinn
Butt	Lee	Ramsey
Capps	Letson	Rice
Carroll	Lloyd	Smith
Darden	Lumpkin	Strickland
Dennis	Mastin	Sullivan
Eastis	Mathews	Thomas
Fuquay	Merrill	Waddell
Gewin	Milner	Waits
Greene	Molton	Walden
Griffith	McGowen	Whately
Helms	O'Neill	

—59

And the bill:

S. 7. Regulating the administration of estates in the Chancery Courts and Courts of like jurisdiction in



this State, and conferring jurisdiction on said courts in such proceedings, and on application of an administrator or executor in any administration to order a private sale of either real or personal property.

As amended, was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:—

Speaker	Helms	Overton
Acker	Hood	Pharr
Arnold	Horton	Pegram
Barnard	Jackson	Pittman
Brewer	James	Pitts
Brindley	Jones	Preston
Boswell	Judge	Pruett
Burton	Knight	Quinn
Bush	Lane	Ramsey
Butt	Lee	Rice
Capps	Letson	Richeson
Carroll	Lloyd	Roberson
Darden	Lumpkin	Sullivan
Dennis	Mastin	Thomas
Eastis	Merrill	Twombly
Edmonds	Merritt	Waits
Fowlkes	Milner	Walden
Fuquay	Molton	Whatley
Gewin	Mulkey	Wheless
Greene	O'Neill	Wilhite

—60

S. 96. To make appropriation for the expenses of encampment, maneuvers and target practice of the Alabama national guard for the years 1911, 1912, 1913 and 1914.

Was read a third time at length and passed.

Yeas, 52; nays, 11.

**Yeas:****Messrs:—**

Speaker	Jackson	Mulkey
Acker	James	McCurdy
Arnold	Jenkins (Baldwin)	O'Neill
Barnard	Jenkins (Bullock)	Overton
Bell (Autauga)	Johnson (Clarke)	Pittman
Brewer	Johnson (Marshall)	Pitts
Boswell	Jones	Pruett
Brown (Pike)	Judge	Quinn
Bush	Kilburn	Sanders
Butt	Knight	Smith
Capps	Lane	Stollenwerck
Chamberlain	Lawson	Sullivan
Cranford	Lloyd	Twombly
Dennis	Martin (Calhoun)	Waddell
Edmonds	Martin (Jackson)	Whatley
Fletcher	Mastin	Wilhite
Horton	Merritt	Williams
Huddleston		

—52

**Nays:****Messrs:—**

Speaker	Gewin	Letson
Bell (Pickens)	Greene	Milner
Burton	Helms	Wright
Fuquay	Hood	

—11

S. 412. To regulate appeals and the consideration of same by the supreme court and the court of appeals and the terms of said court of appeals.

Was taken up.

Mr. Mulkey offered the following amendment to the bill:

Amend bill by adding at the end thereof section 6, as follows:

Sec. 6. When they deem it advisable, or necessary for the prompt dispatch of the business of the court of appeals, the chief justice of the supreme court and the presiding judge of the court of appeals may in writing designate any cases in the court of appeals to

be transferred to the supreme court for hearing and final determination by that court. Such designation shall be entered upon the minutes of each of the courts, and the clerk of the court of appeals shall deliver to the clerk of the supreme court the transcript of the records and other papers in the cases so designated, together with copies of any orders that may have been made in any of such cases by the court of appeals. Upon the making and entering of such designation the jurisdiction and control of the court of appeals over the designated cases shall cease and determine.

And the amendment was adopted.

Yeas, 61; nays, 0.

**Yeas:**

Messrs:—

Speaker	Greene	Overton
Acker	Griffith	Pharr
Arnold	Helms	Pegram
Barnard	Hood	Pittman
Brewer	Horton	Pitts
Brindley	Jackson	Popwell
Boswell	James	Preston
Burton	Jones	Pruett
Bush	Judge	Quinn
Butt	Lane	Rice
Capps	Lawler	Richeson
Carroll	Lee	Sanders
Cranford	Letson	Smith
Darden	Lloyd	Sullivan
Dennis	Lumpkin	Twombly
Eastis	Mastin	Waddell
Edmonds	Mathews	Wilbrite
Fletcher	Merritt	Williams
Fuquay	Milner	Wright
Gewin	O'Neill	

—61

And the bill:

S. 412. To regulate appeals and the consideration of same by the supreme court and the court of appeals and the terms of said court of appeals.

As amended was read a third time at length and passed.

Yeas, 61; nays, 2.

Yeas:

Messrs:—

Speaker	Griffith	Pegram
Acker	Helms	Pittman
Arnold	Hood	Pitts
Barnard	Horton	Popwell
Boswell	Jackson	Preston
Button	James	Pruett
Bush	Judge	Quin
Butt	Lane	Rice
Capps	Lawler	Richeson
Carroll	Lee	Sullivan
Cranford	Letson	Thomas
Darden	Lloyd	Waddell
Dennis	Lumpkin	Waits
Eastis	Mastin	Walden
Edmonds	Mathews	Walker
Fletcher	Merritt	Whatley
Fowlkes	Milner	Wheless
Fuquay	O'Neill	Wilbrite
Gewin	Overton	Williams
Greene	Pharr	

—61

Nays:

Messrs:—

Sturdivant	Wright
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—2

#### BILLS ON THIRD READING.

S. 84. To repeal Section 3174 of the Code of Alabama was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:—

Speaker	Barnard	Boswell
Acker	Brewer	Brown (Pike)
Arnold	Brindley	Brown (Tuscaloosa)

Burton	Hood	Pegram
Bush	Horton	Pittman
Butt	Huddleston	Pitts
Capps	Jackson	Preston
Carroll	James	Pruett
Cranford	Jones	Quinn
Darden	Judge	Ramsey
Dennis	Lawler	Rice
Eastis	Lawson	Richeson
Edmonds	Lee	Smith
Flanagan	Lloyd	Sturdivant
Fletcher	Lumpkin	Sullivan
Fuquay	Mastin	Thomas
Gewin	Nicholson	Twombly
Greene	O'Neill	Walden
Griffith	Overton	Williams
Helms	Pharr	Wright

—60

S. 358. To amend an act entitled an act to authorize the owners and operators of street railways to furnish free or reduced transportation to members of the police force and fire department and sanitary inspectors of cities and towns of this State, into or through which said railways are operated, and to grant special or reduced rates to pupils attending schools, approved November 23, 1907.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:—

Speaker	Butt	Fowlkes
Acker	Capps	Fuquay
Arnold	Carroll	Gewin
Barnard	Darden	Greene
Brewer	Dennis	Griffith
Brindley	Eastis	Helms
Boswell	Edmonds	Hood
Burton	Flanagan	Horton
Bush	Fletcher	James

Jones	Merritt	Quin
Judge	Molton	Ramsey
Kilburn	Mulkey	Rylance
Knight	O'Neill	Sanders
Lane	Overton	Smith
Lee	Pharr	Sullivan
Letson	Pegram	Waites
Lloyd	Pittman	Walden
Lumpkin	Pitts	Walker
Mastin	Preston	Whatley
Merrill	Pruett	Wheless

—60

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the House amendments to:

S. 7. Regulating the administration of estates in the chancery courts of this State, and conferring jurisdiction on said courts in such proceedings to order a private sale of either real or personal property.

J. A. Kyle,  
Secretary.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

S. J. R. No. 141. Resolved by the Senate, the House concerning, that the Governor is hereby authorized to appoint a commission composed of three members, of which the Commissioner of Agriculture and Industry shall be one and of which the Governor may, if he elect, be a member, to visit the City of San Francisco during the year 1911 for the purpose of selecting a site for building or place within some building designated by the Director-General of the Panama Pacific Exposition, or such other person as may be authorized, for the exhibition at such exposition of the agricultural, mineral and other resources of the State of Alabama.

Resolved, further, That said Commission shall be authorized to select and accept such site or space as they may think proper for such exhibit, such site or space to be without rent or charge to the State.

Resolved, further, That the necessary and legitimate expenses of said Commission be paid out of the contingent fund of the Agricultural Department, and the Governor and Commissioner of Agriculture and Industries are requested to make such expenditure.

And sends same herewith to the House.

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

The House concurred in and adopted the Senate joint resolution, No. 141, which is set out in the above and foregoing Senate message.

#### BILLS ON THIRD READING.

S. 290. To amend sub-division six (6) of section 3793 of the code of Alabama.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

Yeas:

Messrs:—

Speaker	Dennis	Jones
Avery	Eastis	Judge
Arnold	Edmonds	Kilburn
Barnard	Flanagan	Lawler
Brewer	Fletcher	Lawson
Brindley	Fuquay	Lee
Boswell	Greene	Letson
Burton	Griffith	Lloyd
Bush	Helms	Lumpkin
Butt	Hood	Mastin
Capps	Horton	Merrill
Carroll	Jackson	Merritt
Darden	James	O'Neill

Overton	Rice	Twombly
Pharr	Roberson	Waits
Pegram	Rylance	Walden
Pittman	Sanders	Walker
Pitts	Smith	Whatley
Pruett	Sullivan	Wilhite
Quinn	Thomas	Williams

—60

## BILLS ON THIRD READING.

S. 455. To repeal An Act entitled "An Act to better provide for the maintaining and keeping in repair the public roads of Escambia County," approved September 17th, 1903, and an act entitled "An act to amend Sections 4 and 12 of an act to better provide for the maintaining and keeping in repair the public roads of Escambia County," approved July 31, 1907.

Was read a third time at length and passed.

Yeas, 55; nays, 0.

Yeas:

Messrs:—

Speaker	Hood	McLendon
Acker	Horton	Nicholson
Arnold	Huddleston	O'Neill
Barnard	Jackson	Overton
Brewer	James	Parks
Brindley	Jones	Pharr
Boswell	Judge	Pitts
Burton	Kilburn	Popwell
Bush	Knight	Preston
Butt	Lane	Pruett
Capps	Lavender	Quinn
Carroll	Lawler	Ramsey
Eastis	Lee	Rice
Fowlkes	Letson	Richeson
Fuquay	Lloyd	Whatley
Gewin	Lumpkin	Wilhite
Greene	Mastin	Williams
Griffith	McGowen	Wright
Helms		

—55



S. 473. To authorize the commissioner of agriculture and industries to deliver to the Read Phosphate Company, of Nashville, Tenn., fifteen thousand five hundred (15,500) fertilizer tags to replace the same number that have been burned.

Was read a third time at length and passed.

Yeas, 55; nays, 0.

**Yeas:**

**Messrs:—**

Speaker	Helms	Mulkey
Acker	Hood	O'Neill
Arnold	Horton	Overton
Barnard	Jackson	Pharr
Brewer	James	Pegram
Brindley	Jones	Pitts
Boswell	Judge	Popwell
Burton	Kilburn	Preston
Bush	Lawler	Pruett
Butt	Lee	Quinn
Capps	Lloyd	Ramsey
Carroll	Lumpkin	Rice
Darden	Mastin	Roberson
Dennis	Mathews	Rylance
Eastis	Merrill	Sanders
Fuquay	Merritt	Sturdivant
Gewin	Milner	Sullivan
Greene	Molton	Thomas
Griffith		

—55

#### REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

The committee on Enrolled Bills have examined the following House bills:

H. 285. To amend sections 1975, 1976, 1977, 1981, 1992, 1993 and 1989 of the code of Alabama, 1907.

H. 668. To appropriate the sum of seven thousand five hundred dollars for the erection of a dormitory to be

used by the students of the fifth congressional district agricultural school located at Wetumpka, Alabama.

And find same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing report from the Standing Committee on Enrolled Bills.

#### GOVERNOR'S MESSAGE.

The House concurred in and adopted the governor's amendment to H. 285, said governor's amendment being as follows:

Montgomery, Ala., April 14th, 1911.

To the House of Representatives:

I herewith return House bill 285 without my approval, and suggest the following amendment to meet my objection thereto:

Amend section 2 of the bill by striking out the words "two thousand dollars" where they occur in said section, and inserting in lieu thereof the words "fifteen hundred dollars."

Emmet O'Neal,  
Governor.

Yeas, 56; nays, 0.

Yeas:

Messrs:—

Speaker

Acker

Arnold

Barnard

Brewer

Boswell

Bush

Butt

Capps

Cranford

Dennis

Eastis

Fletcher	Letson	Quinn
Fowlkes	Lloyd	Rice
Gewin	Mastin	Richeson
Greene	Merrill	Rylance
Helms	Milner	Sanders
Hood	Molton	Smith
Horton	McCurdy	Sullivan
Jackson	McLendon	Thomas
James	O'Neill	Waddell
Jones	Overton	Waits
Judge	Parks	Walden
Knight	Pharr	Whatley
Lane	Pitts	Wilhite
Lawler	Pruett	Wright
Lee		

—56

## BILL ON THIRD READING.

S. 425. To provide for the payment of funds due residents and subjects of foreign countries derived from the settlement of estates or from the sale of lands for division.

Was read a third time at length and passed.

Yeas, 60; nays, 0.

## Yeas:

Messrs:—

Speaker	Dennis	Jones
Acker	Eastis	Judge
Arnold	Edmonds	Knight
Barnard	Fletcher	Lane
Brewer	Fowlkes	Lawler
Brindley	Gewin	Lee
Boswell	Greene	Letson
Burton	Helms	Lloyd
Bush	Hood	Lumpkin
Butt	Horton	Mastin
Capps	Huddleston	Merrill
Carrroll	Jackson	Milner
Cranford	James	Mulkey

McCurdy	Pittman	Smith
Nicholson	Pitts	Sullivan
O'Neill	Pruett	Thomas
Overton	Quinn	Waits
Parks	Rice	Walden
Pharr	Rylance	Walker
Pegram	Sanders	Wilhite

—60

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to:

S. 412. To regulate appeals and the consideration of same by the supreme court and the court of appeals and the terms of said court of appeals.

J. A. Kyle,  
Secretary.

## GOVERNOR'S MESSAGE.

The House concurred in and adopted the governor's amendment to the bill, H. 668, said governor's amendment being as follows:

Montgomery, Ala., April 14th, 1911.

To the House of Representatives:

I herewith return House bill 668 without my approval, and suggest the following amendment to meet my objection thereto:

Amend section 3 of the bill by adding at the end thereof the following: 'Provided, that the sum herein appropriated shall be paid only on the approval of the governor as the condition of the treasury in his opinion may warrant; the governor may approve the payment of the same in whole or in part from time to time.

Emmet O'Neal,  
Governor.

Yeas, 54; nays, 0.

Yeas:

Messrs:—

Speaker	Griffith	Molton
Acker	Helms	Mulkey
Arnold	Hood	McGowen
Barnard	Horton	Overton
Brewer	Huddleston	Pegram
Brindley	Jackson	Pitts
Burton	James	Rice
Butt	Jones	Ryland
Capps	Judge	Smith
Carroll	Knight	Sullivan
Cranford	Lane	Thomas
Dennis	Lawler	Waddell
Eastis	Lawson	Waits
Edmonds	Lee	Walden
Fletcher	Lumpkin	Walker
Fowlkes	Mastin	Wilhite
Gewin	Merrill	Wright
Greene	Milner	

—54

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment, proposed by his excellency, the governor, to:

H. 668. To appropriate the sum of seven thousand five hundred dollars for the erection of a dormitory to be used by students of the fifth congressional agricultural school located at Wetumpka, Alabama.

Yeas, 20; nays, 0.

Which was a majority of the whole number elected to the Senate.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

The House concurred in and adopted the governor's amendment to the bill, H. 321, said governor's amendment being as follows:

Amend the bill by adding Section 3½ as follows:

"Section 3½. Provided, That the appropriations herein made to either of the several beneficiaries shall not be paid until the Attorney-General shall certify to the Auditor that the said beneficiary comes within the terms of the Acts of Congress creating the fund out of which the appropriation is to be paid. If one or more of said beneficiaries shall not come within the terms of the said Acts of Congress then the whole sum appropriated shall be divided equally between such other beneficiaries as do come with the terms of the said Acts."

Yeas, 60; nays, 0.

Yeas:

Messrs:—

Speaker	Helms	Mulkey
Acker	Hood	McCurdy
Arnold	Horton	O'Neill
Barnard	Jackson	Overton
Brewer	James	Parks
Brindley	Jones	Pharr
Boswell	Judge	Pegram
Burton	Kilburn	Pitts
Bush	Knight	Popwell
Butt	Lane	Pruett
Capps	Lawler	Rice
Carroll	Lee	Richeson
Cranford	Lloyd	Roberson
Darden	Lumpkin	Rylance
Dennis	Mastin	Smith
Eastis	Mathews	Thomas
Flanagan	Merrill	Waddell
Gewin	Merritt	Waits
Greene	Milner	Walden
Griffith	Molton	Walker

—60

#### BILLS ON THIRD READING.

S. 263. T further prescribe and define the duties of the State prison inspector.

Was read a third time at length and passed.  
Yeas, 60; nays, 11.

Yeas:

Messrs:—

Speaker	Helms	Molton
Acker	Hood	Mulkey
Arnold	Horton	McDonald
Barnard	Huddleston	McGowen
Bell (Autauga)	James	Nicholson
Boswell	Jenkins (Baldwin)	O'Neill
Brown (Pike)	Jenkins (Bullock)	Overton
Brown (Tuscaloosa)	Johnson (Clarke)	Pittman
Burton	Johnson (Marshall)	Pitts
Bush	Jones	Preston
Butt	Judge	Quinn
Chamberlain	Knight	Ryance
Cranford	Lane	Strickland
Dennis	Letson	Stollenwerck
Edmonds	Lloyd	Sturdivant
Fletcher	Martin (Jackson)	Twombly
Greene	Milner	

—50

Nays:

Messrs:—

Brewer	Popwell	Wheless
Kilburn	Richeson	Williams
Merrill	Sanders	Wright
Merritt	Waddell	

—11

S. 273. To further prescribe the duties of the assistant attorney general.

Was read a third time at length and passed.  
Yeas, 51; nays, 3.

Yeas:

Messrs:—

Speaker	Brewer	Butt
Acker	Brindley	Capps
Arnold	Boswell	Darden
Barnard	Bush	Dennis

Eastis	Lane	Pharr
Fletcher	Lawler	Pegram
Fowlkes	Lee	Pitts
Gewin	Lloyd	Pruett
Greene	Lumpkin	Ramsey
Griffith	Mastin	Rice
Helms	Merrill	Rylance
Hood	Merritt	Smith
Jackson	Molton	Sullivan
Johnson (Clarke)	McGowen	Thomas
Jones	O'Neill	Walden
Judge	Overton	Walker
Knight	Parks	Wilhite

—51

Nays:

Messrs:—

Fuquay	Sturdivant	Wright
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—3

# MESSAGE FROM THE SENATE.

Mr. Speaker:

The President and presiding officer of the Senate having signed the following Senate bills:

S. 263. An act to further prescribe and define the duties of the State prison inspector.

S. 174. An act to amend section 1258 of the code of Alabama.

S. 212. An act to provide for refunding privilege taxes erroneously collected, and to make the necessary appropriation therefor.

S. 321. An act to appropriate the two and three per cent fund now in the treasury of the State to the Mobile and West Alabama Railroad Company and to the Alabama, Tennessee and Northern Railroad Company, and to the Montgomery and Chattanooga Railroad Company.

Your signature thereto is requested.

J. A. Kyle,  
Secretary.



SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been ~~dispensed with by a two-thirds vote of a quorum~~ present of the House, signed the bills the titles to which are set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President and presiding officer of the Senate having signed the following Senate bills:

S. 7. An act regulating administration of estates in the chancery courts and courts of like jurisdiction in this State.

S. 84. An act to repeal section 3174 of the code of Alabama.

S. 162. An act to prohibit the selling or exhibiting for sale, any goods, wares or merchandise upon the private roads or lands of another, or the entering upon such private roads or lands of another not lying within the police jurisdiction of any incorporated city or town for the purpose of selling or exhibiting for sale any goods, wares or merchandise without the written consent of the owner of such private roads or lands in counties in Alabama having a population of less than sixty thousand inhabitants according to the last federal census or any succeeding federal census.

S. 273. An act to further prescribe the duties of the assistant attorney general.

S. 300. An act to provide for the registration and lien of judgments for the payment of money in the courts of justice of the peace, and notary public with powers of justice of the peace, and providing for the issuing of executions on such registered judgments, in Franklin county, Alabama; and repealing all laws in conflict therewith.

S. 454. To establish an inferior court in precincts 21 and 37 lying within or partly within the city of Birmingham, Alabama, in lieu of all justices of the Peace in said precincts, and in lieu of all other inferior courts in lieu of justices of peace, heretofore created in said territory, and to define the jurisdiction and power of said court, and judges, clerks and other officers thereof, to provide separate divisions, and provide for places of holding the same.

S. 473. An act to authorize the commissioner of agriculture and industries to deliver to the Read Phosphate Company, of Nashville, Tenn., fifteen thousand five hundred (15,500) fertilized tags to replace the same number that have been burned.

Your signature thereto is requested.

J. A. Kyle,  
Secretary.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing message from the Senate.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 168. To amend section 4546 of the code of Alabama, of 1907.

H. 406. To amend section 2984 of the code of Alabama of 1907.

H. 627. To appropriate the sum of \$375.00 to be paid to Mrs. Mary C. Venable as compensation for services as a teacher in the public schools of Talladega county, Alabama, from January 1st, 1868, to July 1st, 1868, which said sum has never been paid to her.

And returns same herewith to the House.

J. A. Kyle,  
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President and presiding officer of the Senate having signed the following Senate bills:

S. 96. An act to make an appropriation for the expenses of encampment maneuvers and target practice of the Alabama national guard for the years 1911, 1912, 1913, 1914.

Your signature thereto is requested.

J. A. Kyle,  
Secretary.

SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bill the title to which is set out in the above and foregoing Senate message.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President and presiding officer of the Senate having signed the following Senate bills:

S. 237. An act to amend section 3281 of the code of Alabama.

S. 290. An act to amend sub-division six (6) of section 3793 of the code of Alabama.

S. 397. An act to provide for the location of hospitals, infirmaries, or other places in which sick or wounded persons are to be cared for or treated and to provide penalties for its violation.

S. 425. An act to provide for the payment of funds due residents and subjects of foreign countries derived from the settlement of estates or from the sale of lands for division.

S. 455. An act to repeal an act entitled "an act to better provide for the maintaining and keeping in repair

the public roads of Escambia county," approved September 17th, 1903, and an act entitled "an act to amend sections 4 and 12 of an act to better provide for the maintaining and keeping in repair the public roads of Escambia county," approved July 31, 1907.

S. 412. An act to regulate appeals and the consideration of same by the supreme court and the court of appeals and the terms of said court of appeals.

S. 358. An act to amend an act entitled an act to authorize the owners and operators of street railways to furnish free or reduced transportation to members of the police force and fire department and sanitary inspectors of cities and towns of this State, into or through which said railways are operated, and to grant special or reduced rates to pupils attending schools, approved November 23, 1907.

Your signature thereto is requested.

J. A. Kyle,  
Secretary.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing Senate message.

#### MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from his excellency, the governor, with his objections and proposing an amendment to:

S. 212. To provide for refunding privilege taxes erroneously collected and to make the necessary appropriation therefor.

And the Senate has amended the bill as proposed by the governor by adopting and concurring in such proposed amendment.

Yeas, 18; nays, 0.

Which is a majority of the whole number elected to the Senate, and the Senate herewith sends said bill with the governor's message and proposed amendment herewith to the House of Representatives.

J. A. Kyle,  
Secretary.

#### SENATE MESSAGE.

The House concurred in and adopted the governor's amendment to S. 212, the title to which is set out in the above and foregoing Senate message, said governor's amendment being as follows:

Amend section 2 of the bill by inserting in line 5 of said section after the word "laws" and before the word "provided," the following: "Provided, that the sums appropriated herein out of the State and county treasuries shall not be payable within two years from the date of this act, nor then if the laws now in existence passed in lieu of the laws declared unconstitutional in the cases mentioned in this act shall be held to be unconstitutional; and"

Yeas, 53; nays, 2.

Yeas:

Messrs:—

Speaker	Helms	Milner
Acker	Hood	Molton
Arnold	Horton	Mulkey
Brewer	Jackson	O'Neill
Burton	James	Overton
Bush	Jones	Parks
Capps	Judge	Pharr
Carroll	Knight	Pegram
Cranford	Lane	Pitts
Darden	Lawler	Pruett
Dennis	Lee	Rice
Eastis	Letson	Rylance
Flanagan	Lloyd	Sanders
Gewin	Lumpkin	Smith
Griffith	Mastin	Strickland

Stollenwerck	Waddell	Whatley
Sullivan	Waits	Wilhite
Thomas	Walden	

—53

Nays:

Messrs:—

Sturdivant

Wright

—2

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has received the accompanying message from his excellency, the governor, with his objections and proposing an amendment to:

S. 321. To appropriate the two and three per cent funds now in the treasury of the State to the Mobile and West Alabama Railroad Company, and to the Alabama, Tennessee and Northern Railroad Company, and to the Montgomery and Chattanooga Railroad Company.

And the Senate has amended the bill as proposed by the governor by adopting and concurring in such proposed amendment.

Yeas, 18; nays, 0.

Which is a majority of the whole number elected to the Senate, and the Senate herewith sends said bill with the governor's message and proposed amendment herewith to the House of Representatives.

J. A. Kyle,  
Secretary.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

S. J. R. 142. Be it resolved by the Senate, the House concurring, that a committee composed of three from the Senate and three from the House be appointed to wait on the governor and see if there is any further matters to be brought before the Legislature of Alabama.

And sends same herewith to the House.

J. A. Kyle,  
Secretary.

## SENATE MESSAGE.

The House concurred in and adopted Senate joint resolution No. 142, relative to the appointment of a committee to wait upon the governor. The Speaker appointed on said committee Messrs. McDonald, Bell of Pickens, and Overton.

Mr. Arnold offered the following resolution:

Resolved that Senate bill 92 be now taken up for immediate consideration.

On motion of Mr. Chamberlain the motion of Mr. Arnold was laid upon the table.

## MESSAGE FROM THE SENATE.

Mr. Speaker:

The President and presiding officer of the Senate having signed the following Senate bills:

S. 52. An act to appropriate money for the Alabama normal college at Livingston, Alabama.

S. 81. An act to provide compensation of probate judges for the preparation of poll lists and alphabetical lists of registered voters in primary elections.

S. 144. An act to authorize the sale of commercial fertilizers in bags, packages or barrels of the weight of one hundred pounds and to provide for the issuance of tags of the value of one and one-half cents for each to be attached thereto.

S. 161. An act to amend sub-division 7 of section 1678, article 1, chapter 41, of the code of 1907.

S. 196. To ratify and confirm conveyances by John Swann and John A. Billups, trustees, and by their successors, under and by virtue of an act of the General Assembly of Alabama, approved February 23, 1876, and known as the "Debt Settlement Act" (Acts 1875-6, p. 130) and to declare the trust created by that act fully executed, and confirming conveyances to the beneficiary under said trust—The Alabama State Land Company—and declaring the act public and providing its recitals shall be evidence of the facts stated, in all courts of this State.

S. 243. An act to amend section 3043 of the code of Alabama, 1907, so as to change the time of holding some of the courts in the counties in the northern division of Alabama.

S. 246. An act to authorize and legalize the payment of the appropriation made by section 786 of the code of Alabama for the fiscal years ending Sept. 30, 1908, Sept. 30, 1909, and Sept. 30, 1910, for the Alabama sanatorium for consumptives and tuberculosis.

S. 262. An act to amend section 6169 of the code of Alabama.

S. 264. An act to amend sections 8 and 11 of an act of the Legislature of Alabama, entitled "an act to regulate the employment of child labor in certain mills, factories and manufacturing establishments in this State, and to provide for the inspection of the rooms, places and premises wherein they are worked, and to adequately punish violations of this act, approved August 26th, 1909."

S. 276. An act to appropriate ten thousand dollars for the purpose of constructing and equipping a dormitory and constructing or improving other school and farm buildings for the seventh district agricultural school and experiment station at Albertville, Alabama.

S. 294. An act to ratify, confirm and legalize all acts and orders of the Court of County Commissioners of Wilcox County in the payment of road overseers, appointed under the official road law of said County, approved July 25th, 1907; to ratify and legalize the payment of the convict agent appointed by said court; to ratify and legalize the hiring of teams by said overseers appointed under said Act; and to legalize the payment of all warrants and orders of said Court by the Treasurer of said County pertaining to said road law.

S. 303. An act to amend section 4480 of the code of Alabama.

S. 323. An act to regulate the use and preservation of oil and gas and providing penalties for the violation thereof, providing for the appointment of a suitable person, when necessary, to enforce the same and prescribing his duties, compensation and to make appropriations therefor.



S. 376. An act to confer upon justices of peace jurisdiction of all offenses arising under the game and fish laws of Alabama.

S. 394. An act to amend section eleven hundred and twenty-eight (1128) of the code of Alabama..

S. 396. An act to appropriate ten thousand dollars for the purpose of constructing and equipping a dormitory ~~and constructing or improving other school and farm buildings for the second district agricultural school and experiment station located and situated at Evergreen, Alabama, known as the South West Alabama Agricultural school.~~

S. 405. An act to amend section 5970 of the code of Alabama.

S. 422. An act to authorize women to hold the position or office of clerk of the probate court, and to exercise the powers and perform the duties of clerk of the probate court of this State.

S. 421. An act to authorize and direct the probate judge of Autauga county, Alabama, to hold regular terms of the county court of said county for the trial of misdemeanors as provided by article 3 of chapter 198 of the code of Alabama.

Also the following Senate joint resolutions:

S. J. R. 14, S. J. R. 22, S. J. R. 28, S. J. R. 73, S. J. R. 74, S. J. R. 75, S. J. R. 95. S. J. J. 114, S. J. R. 12.

Your signature thereto is requested.

J. A. Kyle,  
Secretary.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing message from the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker :

The committee on Enrolled Bills have examined the following House bills and House joint resolutions:

H. J. R. 122. Relative to appropriating \$305.00 to the Secretary of State for the purpose of having the House and Senate Journals each bound in two volumes.

And find same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.

SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum of the House, signed the resolution the title to which is set out in the above and foregoing report from the standing committee on Enrolled Bills.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker :

The committee on Enrolled Bills have examined the following House bills:

H. 79. Providing for the registration, licensing, identification and regulation of motor vehicles operated upon the public highways of this State; and fixing liability for persons riding therein; and providing penalties and punishments for violations of the provisions of said act.

H. 127. To make appropriation for the maintenance of the Alabama industrial school for white boys for the years 1911, 1912, 1913 and 1914, and to make provision for an existing indebtedness of said school.

H. 250. To amend section 6215 of the code of Alabama.

H. 252. To amend section 6573 of the code of Alabama.

H. 254. To amend section 7833, (5612) (3875), (4417) (4420) (3736, 3738) (189, 191) of the code of Alabama of 1907.

H. 263. To amend section 2842 of the code.

H. 280. To amend sections 7049, 7050, 7052, 7053, and 7054 of the code of 1907.

H. 291. For the preservation, protection, development and improvement of the oyster reefs and beds in the waters of Alabama; for the preservation, protection, development, encouragement and improvement of the oyster, shrimp, terrapin, turtle and other sea food products industry in the State of Alabama; to provide for the establishment of a board of commissioner, to prescribe their powers and duties, to provide for their compensation, to establish, locate and provide for the furnishing of its office; to regulate the manner and time of taking and catching oysters, shrimp, terrapin, turtle and other sea food products from the public waters and private bedding grounds of the State; to prescribe and regulate the measure of oysters bought and sold in the shell; to prescribe license fees for boats engaged in taking and catching oysters, shrimp, terrapin, turtle and other sea food products; to fix and prescribe a tax upon oysters, shrimp, terrapin, turtle and other sea food products, canned, packed, shipped or sold raw or cooked; to provide for the officers, employees and agents of the commission, to prescribe their duties and powers and fix their compensation; to provide for the protection and patrol of the oyster grounds and public waters of the State; to provide for the leasing of water bottoms owned by the State; to fix penalties for the violation of the provisions of this act; to create a fund for monies arising under the provisions of this act for the purpose of defraying the expenses of the commission; to provide for obtaining twenty-five per cent of the shells produced by canning factories in the State, and generally to regulate and control the oyster, shrimp, terrapin, turtle, and other sea food products industry in the State and all matters connected therewith; to fix and prescribe a tax upon canning factories; and to fix and prescribe a privi-

lege or business license or tax on all dealers in oysters, shrimp, terrapin, turtle and other sea food products and to provide for reports to be made to the commission by agent or representatives of transportation and express companies, and by all persons taking, catching or selling oysters, shrimp, terrapin, turtle and other sea food products.

H. 358. To provide for the further maintenance and support of the State normal school for colored students at Montgomery, Alabama.

H. 372. To amend section 13 of an act, entitled "An act to prescribe the qualifications of jurors and regulate the selection, drawing and summoning of jurors, and prescribe the qualifications and provide for the appointment of jury commissioners and clerks of such commissions and regulate the empaneling of grand and petit jurors in all the courts of this State." Said act is known as the jury law and was approved August 31, 1909.

H. 413. To appropriate the sum of \$7,500.00 for the completion of the school building of the Randolph county high school located at Wedowee; the main school building being destroyed by fire November 30th, 1910.

H. 444. To provide pensions for confederate soldiers, sailors and their widows, and for the payment and regulation of same.

H. 447. To regulate the consolidation of insurance companies.

H. 463. To amend sections eight hundred and twenty-eight (828) and eight hundred and thirty-five (835) of the political code of 1907.

H. 510. To amend Sections one, eight and nine of an act entitled an act to provide for the investigation of fires; to define the duties and powers of certain officials in relation thereto, and to provide means for defraying the expenses incurred under the provisions of this act, approved August 31st, 1909.

H. 600. To authorize Counties in the State of Alabama, whose bonded or other indebtedness does not exceed \$50,000 at the time of the negotiation, to borrow an amount of money not exceeding \$50,000 to be used

in the building, constructing and maintaining the public roads and highways of such County, and to authorize the issuance of warrants not to extend beyond ten years in payment thereof, and to prescribe the rate of interest to be charged.

H. 603. To provide for the control, working, maintenance, building and improvement of the public roads and bridges of Shelby county.

H. 617. To provide for the payment of expenses incurred by the door-keeper of the House and door-keeper of the Senate.

H. 634. To amend an act entitled an act for the improvement of the roads of Tuscaloosa county, approved February 26th, 1907, by amending sections two and five of said act, and by repealing section 12 of said act, and by adding a section to be designated as section 15 to make it unlawful for any person to deaden or girdle any tree on or near a public road, or to leave standing on or near a public road any tree which has been deadened or girdled by any person who owns or has control of the land on which such tree may stand and to prescribe the punishment for violations of this section.

H. 662. To alter or rearrange the boundary lines of the city of Bessemer, Alabama.

H. 678. To authorize and empower the city council, boards of commissioners or other governing bodies in all cities in this State having twenty-five thousand or more population to disburse funds of said cities for the relief of certain members and employes of the police and fire departments of such cities; and to provide for pensioning police officers, policemen and members of the fire departments of such cities, and to provide and regulate the methods by which the same may become operative therein.

H. 714. To allow the constable in beat 13, of Walker county, Alabama, to appoint deputies.

H. 739. To impose a license tax of one dollar a year on each male dog and two dollars a year on each female dog over four months of age in the County of Marengo, State of Alabama, and to provide for the collection of such license tax and to provide that all live stock or

poultry killed or injured and all damages done thereto, shall be paid for out of the dog tax fund, and to provide that the surplus left from the dog tax fund on the first day of April of each year shall be paid into the public school fund of said County.

H. 747. To provide for the incorporation of any bishop of a diocese, existing or that may be created wholly or partly in Alabama, as a corporation sole; to define the authority and duty of such corporation, to provide for the successions of individuals therein, the administration of affairs thereof pending a vacancy in the bishopric, for the dissolution of such corporation, and for proof of things done under this act.

H. 801. To provide a better system of public roads for DeKalb county.

H. 805. To provide when the members of the court of county commissioners for Crenshaw county shall be elected, and prescribe their terms of office.

H. 812. To fix the time and places of holding the county court of Russell county.

H. 813. To fix the times and places of holding the regular terms of the court of county commissioners of Russell county.

H. 814. To require the board of jury commissioners of Russell county to prepare two boxes of names of jurors in accordance with section 7240 of the code of Alabama, one to be used in drawing the juries for the circuit court of Russell county, at Seale, and the other to be used in drawing the juries for the circuit court of said county at Girard.

H. 346. To regulate primary elections in the State of Alabama.

H. 521. To amend section 733 of the code of 1907.

And find same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly

read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled Bills.

#### REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

The committee on Enrolled Bills have examined the following House bill:

H. 627. To appropriate the sum of \$375.00 to be paid to Mrs. Mary C. Venable as compensation for services as a teacher in the public schools of Talladega county, Alabama, from January 1st, 1868, to July 1st, 1868, which said sum has never been paid to her.

And find same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.

#### SIGNING BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled Bills.

#### REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

The committee on Enrolled Bills have examined the following House bills:

H. 312. To amend section 7550 of the code of Alabama.

H. 668. To appropriate the sum of seven thousand five hundred dollars for the erection of a dormitory to be used by students of the fifth congressional district agricultural school located at Wetumpka, Alabama.

H. 476. To amend section 2103 of the code of Alabama of 1907.

And find same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled Bills.

#### REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

The committee on Enrolled Bills have examined the following House bills:

H. 168. To amend section 4546 of the code of Alabama, of 1907.

H. 406. To amend section 2984 of the code of Alabama of 1907.

And find same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled Bills.



## REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

The committee on Enrolled Bills have examined the following House bills:

H. 134. To make appropriation for the support and maintenance of the Southern industrial institute for ~~white boys and girls at Camp Hill, Ala.~~, for the years 1911, 1912, 1913 and 1914.

H. 211. To provide for the holding of teacher's institutes for teachers in this State and to make necessary appropriations for the same.

H. 285. To amend sections 1975, 1976, 1977, 1981, 1992, 1993 and 1989 of the code of Alabama, 1907.

H. 304. To amend section six thousand nine hundred and sixty-four (6964) of the criminal code of 1907.

H. 321. To amend an act entitled an act "to create the office of assistant solicitor for the county of Montgomery, Alabama, in lieu of the present office of deputy solicitor for said county, prescribing his duties, fixing his salary and providing for the method of selection for said office," approved Feb. 21, 1907.

H. 338. To amend sections 60 (406), 61 (407) and 67 (413) of the code of Alabama of 1907.

H. 431. To regulate the mining of coal in Alabama.

H. 649. To amend section 1734 of the code of Alabama, 1907.

H. 722. To make an appropriation to be expended by the Horseshoe Bend Battle Anniversary commission for the appropriate celebration of the one hundredth anniversary of the battle of Horseshoe Bend in 1914, the care of the monument erected in commemoration of said battle, and the grounds on which the same may be erected and for other purposes.

H. 751. To amend section 1261 of the code of 1907.

H. 774. To create and establish the Andalusia city court of law and equity for Covington county.

H. 788. For the relief of R. L. Bradley, judge of probate, of Lamar county, State of Alabama.

H. 243. To provide for the office of county treasurer of public school funds in the several counties of Alabama and to prescribe the duties thereof.

H. 217. To authorize the sale and conveyance of certain lands which have been conveyed to the State for school purposes.

H. 724. To create a board of trustees for the government and control of the several State normal schools for whites and for the making and enforcing of a course of study for the said State normal schools and for the rural schools of the State, and for the repealing of any general and special laws and provision of any charter or charters in conflict with the provisions of this act.

And find same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled Bills.

#### REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

The committee on Enrolled Bills have examined the following House bills:

H. 126. To make appropriation for buildings, machinery, equipment and other necessary improvements at the Alabama industrial school for white boys.

H. 131. To amend section 2884 of the civil code of Alabama, relating to appeals in civil cases to the supreme court of Alabama.

H. 249. To amend section 6318 of the code of Alabama of 1907.

H. 261. To regulate proceedings in the supreme court in cases which, in the opinion of that court, should be reversed because the judgment of a lower court is excessive, and there is, in the opinion of the supreme court, no other ground of reversal.

H. 384. An act to make an appropriation for the maintenance and support of the Mercy Home Industrial School for girls located at Birmingham, Alabama, for the years 1911, 1912, 1913 and 1914, and also to provide for the commitment of delinquent white girls in Alabama between the ages of 12 and 16 years inclusive by the courts of the State which may have jurisdiction over juvenile delinquents, and to provide for their control and support while there, and also to provide that the governor and the attorney general of the State shall be ex-officio members of the board of managers of said school.

H. 596. To prohibit the running or operation for pay or profit of what is commonly known as a pool room or billiard room, or any place where pool or billiards are allowed to be played for pay or profit in Tallapoosa county, Alabama, outside the limits and police jurisdiction of any incorporated city or town therein, and to fix a punishment for a violation of the act.

H. 624. To amend section 1334 of the political code of the State of Alabama.

H. 667. To make the fees of constables in all the counties of the State the same as sheriff's fees when they perform in the same or similar services, except in criminal cases.

H. 670. To provide bail pending an appeal in all felony cases where the defendant is sentenced to the penitentiary for a term of five years or less.

H. 728. To appropriate the sum of \$606.00 to Marshall & Bruce Company, Nashville, Tenn., contractors for publication of the code of Alabama, 1907.

H. 768. To amend section 3 of the act to establish a high school for Dale county to be located at Ozark, Alabama, approved August 9th, 1907.

H. 816. To require the judge of probate of Russell county, in addition to the office in the court house at Seale, to keep open a branch office in the city of Girard for the transaction of business, and to declare the effect of the business transacted in such branch office, and to

fix his pay for making the indexes mentioned in section 3, and the abstract mentioned in section 4, of this act.

And find same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled Bills.

#### REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

The committee on Enrolled Bills have examined the following House bills:

H. 150. For the relief of the Bank of Ensley, a partnership composed of Erskine Ramsay and G. B. McCormick of the county of Jefferson, State of Alabama, in the matter of the loss or destruction of certain described interest coupons on Alabama State bonds.

H. 290. For the relief of Mary Gossett of Marshall county.

H. 480. To amend an act to amend section 1650 of the code of 1907, approved August 26, 1907.

H. 723. To fix the times and places of holding the chancery courts in the northeastern chancery division of Alabama.

H. 773. To repeal the act creating the city court of Andalusia, for Covington county, Alabama, passed during the 1907 session of the Legislature of Alabama, entitled "An act to create, establish and maintain an inferior court of record in and for the county of Covington; to define and provide for the powers, jurisdiction and procedure thereof and to provide for officers thereof and their compensation," and to abolish said court; to provide for the disposition of the pending and adjudi-

cated causes of all kinds in said court and the process, appeals, costs, bonds, securities and records and files of the same; to regulate the bringing, filing transferring and appealing of causes and prosecution in said court; and to fix the time that this act shall become effective.

H. 807. To amend section 2169 of the code of Alabama.

H. 720. For the relief of Glidewell Brothers, to reimburse them for material furnished, and labor performed for the completion of the eighth district agricultural school building located at Athens, Limestone county, Alabama, on account of the deficiency in the appropriation of the Legislature of Alabama for the erection of said building.

And find same correctly enrolled.

Frank Stollenwerck, Jr.,  
Chairman.

#### SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present of the House, signed the bills the titles to which are set out in the above and foregoing report from the standing committee on Enrolled Bills.

#### GOVERNOR'S MESSAGE.

The following message from the governor was received and the same was ordered spread upon the Journal:

Montgomery, Ala., April 14th, 1911.

To the members of the Senate and House of Representatives:

It is appropriate that in the closing hours of this legislative session I transmit to you my felicitations upon the results you have accomplished, my thanks on behalf of and in the name of the State for the useful legislation you have enacted, and my personal God-speed and good wishes for each member of this body.

The task with which you were confronted when, at the beginning of the present year, you completed your organization and entered upon the performance of your duties, was fraught with grave responsibilities, and the manner in which that task was to be performed deeply concerned every citizen and every home in Alabama. At great personal sacrifice to each of you, that task has been patiently, conservatively, fearlessly, and conscientiously performed, and tonight you can lay aside your public labors with an abiding consciousness that you deserve, to the utmost, the plaudits and the thanks of all the people.

Your conservatism has attracted the approving attention of the business man, at home and abroad, and your courage and your patience have found expression in wise statutes, carrying into effect every principle announced in the platform of the great party which you have honored by your devotion and through which honest and efficient government has been preserved to our State.

It is of the deepest personal satisfaction to me to realize that my administration has been aided by your wisdom and your thoughtful counsel, and through the reforms which you have effected I trust and believe that an era of renewed prosperity is upon us, and I look to the future with perfect confidence.

No deliberative body has ever assembled in Alabama which gave more thoughtful consideration to the measures before it than has your Honorable Body, and out of the conflicts of opinion that have existed among your members there have come conservative laws which will have a beneficial influence upon the future history of the State. Your legislation, as a whole, has been constructive; no interest has suffered injury at your hands, and no interest has been improperly subserved. The burden for the common good has been equally distributed among the whole people, impartially and with justice and consideration for all.

I congratulate you upon the termination of your labors, and trust that in the future the State may al-

ways find in its Senators and Representatives men of equal patriotism, courage, intelligence, and devotion to duty.

Emmet O'Neal,  
Governor.

#### RESOLUTIONS.

~~The following resolutions were introduced and adopted~~  
ed by a rising vote:

By Mr. Mulkey:

H. R. — Resolved by the House of Representatives, That it is the sense of this body that Hon. E. B. Almon, its Speaker, has discharged the duties of this high office faithfully, efficiently and impartially; that he has been untiring in his efforts to maintain the dignity of this House and to preserve the honor and prosperity of the State, and the peace and welfare of its citizens; that the House extend to him its best wishes for a long and prosperous career, and that Divine Providence spare him yet many years of usefulness and power in behalf of his country.

2. Resolved further, That a copy of this resolution be furnished our distinguished Speaker, and that the press be requested to publish the same.

By Mr. Chamberlain:

H. R. — Whereas during the entire session of the Legislature of Alabama of 1911 the members of the press have striven hard and exerted every effort to report fairly and justly the proceedings of its session, and,

Whereas, the press of Alabama has been at all times to members of the Legislature fair, just, courteous, and respectful, and,

Whereas, the members of the Legislature of Alabama of 1911 appreciate the kindnesses of the members of the press who have reported the session and are grateful to each of them for their sincere and earnest efforts,

Be it resolved by the House of Representatives, That the thanks of each member are hereby given to the members of the press.

By Mr. Judge:

H. R. —. Resolved that the House extend its hearty thanks to Hon. George J. Sullivan of Mobile for his fair and impartial decisions and courteous manner during the many times that he has presided over our body during this session and that we each extend to him our best wishes.

By Mr. Arnold:

H. R. —. Resolved by the House, that its thanks are hereby extended to Hon. Robt. Hasson and T. W. D'Yampert and James Armstrong for efficient and faithful discharge of their respective duties during this session.

By Mr. Butt:

H. R. —. Resolved that the members of this House extend thanks to the band of good ladies who served such bountiful lunches in the rotunda and waited so faithfully and impartially on each patron.

#### NOTE FROM MRS. ALMON.

The following note from Mrs. E. B. Almon, wife of the Speaker, was read by the clerk and the same was ordered spread upon the Journal.

To the House of Representatives:

A thousand thanks my good friends, for your beautiful gift to me individually. It is the most delightful surprise of my life. I shall cherish this exquisite little bowl always as one of my most valued possessions, because it is a token of your good will toward me and your very kind thought of me, and it will ever be a pleasant reminder of the happy winter I have spent in Montgomery as a member of the legislative family of 1911.

Again I thank you and assure you of my earnest and sincere appreciation and beg you believe that my heart indites much more than my feeble pen is able to express.



With all good wishes for each and every one of you,  
I am,

Sincerely and gratefully,

L. Clopper Almon.

(Mrs. E. B. A.) April 14th, 1911.

JOURNAL.

The Chairman of the Revision of the Journal made the following report:

Mr. Speaker:

Your committee on the Revision of the Journal beg leave to report as follows:

We have examined the Journal for the 50th day, and find the same to be correct.

J. B. Rylance,  
Chairman.

The report of the committee was concurred in and the Journal for the 50th day was approved.

ADJOURNMENT SINE DIE.

On motion of Mr. Merrill, the House adjourned *Sine Die*.

Speaker of the House of Representatives.

Clerk of the House of Representatives.

## SESSION 1911.

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<i>Legislative Days.</i>	<i>Calendar Days.</i>
FIRST DAY -----	Tuesday, January 10th
SECOND DAY -----	Wednesday, January 11th
THIRD DAY -----	Thursday, January 12th
FOURTH DAY -----	Friday, January 13th
FIFTH DAY -----	Saturday, January 14th
SIXTH DAY -----	Monday, January 16th
SEVENTH DAY -----	Tuesday, January 17th
EIGHTH DAY -----	Wednesday, January 18th
NINTH DAY -----	Friday, January 20th
TENTH DAY -----	Tuesday, January 24th
ELEVENTH DAY -----	Wednesday, January 25th
TWELFTH DAY -----	Thursday, January 26th
THIRTEENTH DAY -----	Saturday, January 28th
FOURTEENTH DAY -----	Tuesday, January 31st
FIFTEENTH DAY -----	Wednesday, February 1st
SIXTEENTH DAY -----	Thursday, February 2nd
SEVENTEENTH DAY -----	Friday, February 3rd
EIGHTEENTH DAY -----	Tuesday, February 7th
NINETEENTH DAY -----	Wednesday, February 8th
TWENTIETH DAY -----	Thursday, February 9th
TWENTY-FIRST DAY -----	Friday, February 10th
TWENTY-SECOND DAY -----	Tuesday, February 14th
TWENTY-THIRD DAY -----	Wednesday, February 15th
TWENTY-FOURTH DAY -----	Thursday, February 16th

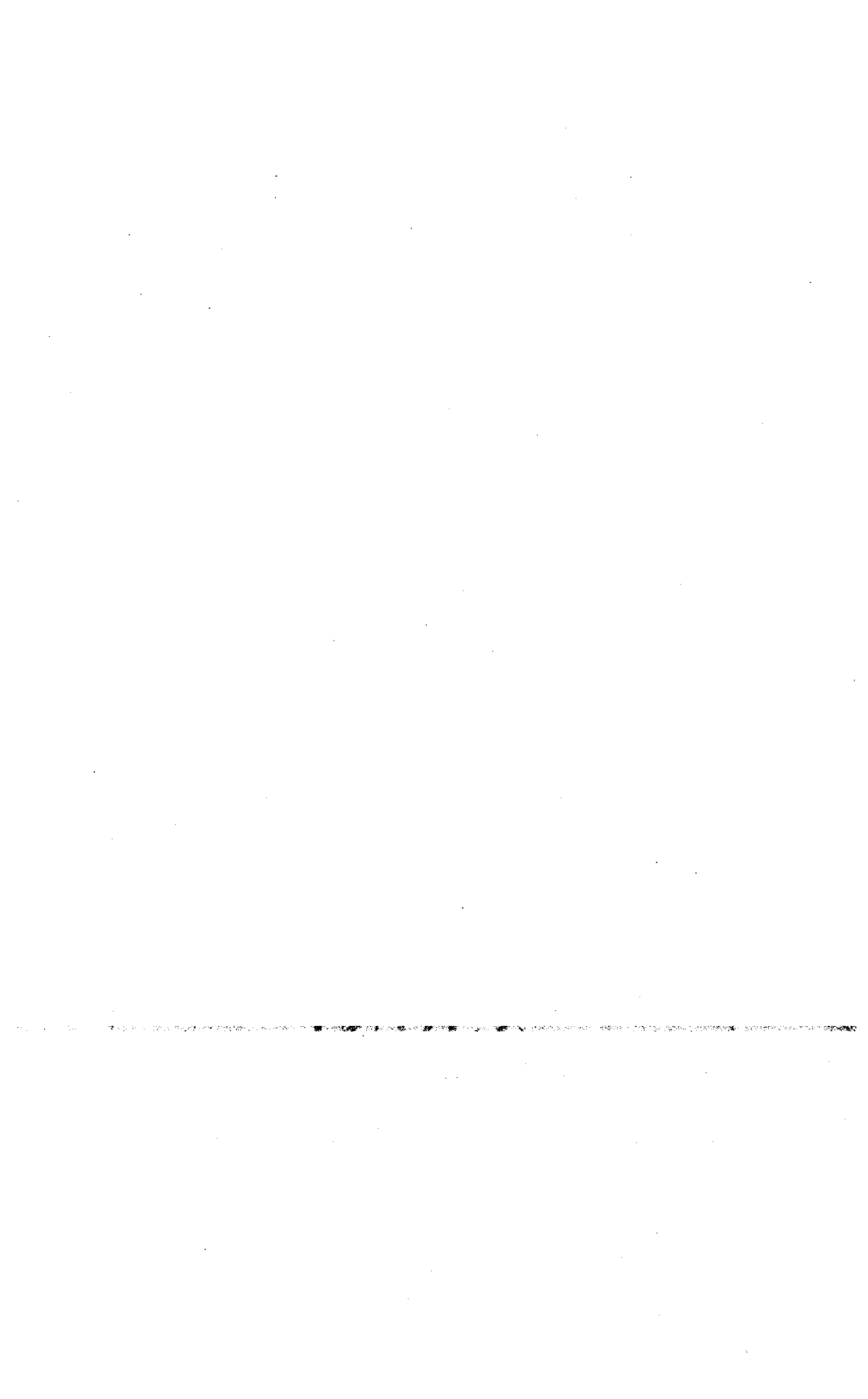
*Legislative Days.**Calendar Days.*

TWENTY-FIFTH DAY	-----	Friday, February 17th
TWENTY-SIXTH DAY	-----	Tuesday, February 21st
TWENTY-SEVENTH DAY	--	Wednesday, Feb'y 22nd
TWENTY-EIGHTH DAY	---	Thursday, February 23rd
TWENTY-NINTH DAY	-----	Friday, February 24th
THIRTIETH DAY	-----	Wednesday, March 1st
THIRTY-FIRST DAY	-----	Thursday, March 2nd
THIRTY-SECOND DAY	-----	Friday, March 3rd
THIRTY-THIRD DAY	-----	Saturday, March 4th
THIRTY-FOURTH DAY	-----	Tuesday, March 7th
THIRTY-FIFTH DAY	-----	Wednesday, March 8th
THIRTY-SIXTH DAY	-----	Thursday, March 9th
THIRTY-SEVENTH DAY	-----	Friday, March 10th
THIRTY-EIGHTH DAY	-----	Tuesday, March 14th
THIRTY-NINTH DAY	-----	Wednesday, March 15th
FORTIETH DAY	-----	Thursday, March 16th
FORTY-FIRST DAY	-----	Friday, March 17th
FORTY-SECOND DAY	-----	Wednesday, March 22nd
FORTY-THIRD DAY	-----	Friday, March 24th
FORTY-FOURTH DAY	-----	Wednesday, March 29th
FORTY-FIFTH DAY	-----	Friday, March 31st
FORTY-SIXTH DAY	-----	Tuesday, April 4th
FORTY-SEVENTH DAY	-----	Wednesday, April 5th
FORTY-EIGHTH DAY	-----	Friday, April 7th
FORTY-NINTH DAY	-----	Tuesday, April 11th
FIFTIETH DAY	-----	Friday, April 14th

# INDEX

JOURNAL  
OF THE  
HOUSE OF REPRESENTATIVES  
OF THE  
STATE OF ALABAMA

1911



# INDEX

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## ACKNOWLEDGMENTS—

To legalize, taken by officers Corporations, H. 549, p. 1030,  
1876.

To legalize, after expiration of term, H. 550, 1030, 1869.

Of certain Notaries and J. P.'s., S. 302, p. 2244.

## ACKER—

Bills by H. 133, p. 296; H. 628, p. 1266; H. 89, p. 1431; H.  
742, p. 1676.

## ACTIONS AT LAW—

To declare effect the general issue, Detinue, H. 39, p. 147, 457,  
471.

To declare effect invalid assignment unearned wages, H. 40,  
p. 147, 357.

To authorize suits erroneous claims chancery, S. 72, p. 872,  
2052.

## ADMISSION OF EVIDENCE—

To prohibit admission, evidence and confession by Deft., H.  
103, p. 289, 357.

## ADVERSE REPORTS BY COMMITTEE—

H. R., 24, p. 465.

## AGRICULTURE SCHOOLS AND EXPERIMENT STATIONS—

(See Schools and Colleges).

## AGRICULTURE—

For the advancement, H. 73, p. 268, 356, 459, 471, 508, 608.

Assistant chemist for, H. 90, p. 277, 357.

## AGRICULTURE—Continued.

Establish a Board of H. 33, p. 356, 449, 722, 455, 622, 649, 729,  
776

Appropriate funds for Farm Demonstration, H. 198, p. 437, 522,  
633, 996, 1047.

To prepare for the coming Boolwevil, H. 343, p. 594, 1026,  
1206.

## ALABAMA INDUSTRIAL SCHOOL—

(See Schools and Colleges).

## ALABAMA POLYTECHNICAL INSTITUTE—

To aid in the encouragement technical education, H. 163, p.  
355, 388, 1542; S. 75, p. 1730, 1770, 2454, 2496.

## ALABAMA TECHNICAL INSTITUTE—

To provide for building, H. 276, p. 527, 1544; S. 190, p. 1910,  
1951.

## ALABAMA INDUSTRIAL TECHNICAL INSTITUTE—

To create and provide for, S. 206, p. 2008, 2057.

## ALABAMA HOME OF REFUGE—

To create and provide for, H. 222, p. 466, 1543, 2219, 2547,  
2553; — H. 265, p. 501, 1118; — H. 384, p. 1542.

## ALABAMA NATIONAL GUARDS—

Relief of Co. "M"; H. 36, p. 147, 1117, 2459, 2657, 2700.

Appropriations for encampment, target practice, H. 203, p.  
438; S. 96, p. 728, 1504, 1607, 2657, 2720, 2738.

Protect and preserve Military Property, S. 325, p. 1323, 1542.

Provide for Voluntary forces, S. 326, p. 1453, 1542, 2550.

## ALABAMA STATE CAPITOL—

(See Capitol).

## ALMON—

Bills by, R. C., p. 100; H. 177, p. 412; H. 178, p. 418; H. 245, p. 494; H. 246, p. 495; H. 247, p. 495; H. 354, p. 597; H. 378, 647; H. 396, p. 676; H. 520, p. 957; H. R. 105, p. 1604, 1643; H. R. 76, p. 1228; H. 617, p. 1258; H. 650, p. 1356; H. 690, p. 1510; H. 699, p. 1552; H. R. 106, p. 1605.

## AMENDMENT TO THE CONSTITUTION—

Sec. 178, H. 565, p. 1972.

Sec. 178 and 194, H. 629, p. 1266, 1814.

## APPROPRIATIONS—

For residence of Governor, furnishings, H. 3, p. 73, 76, 1507.

For public school at Piedmont, H. 12, p. 143, 1683.

For rural school houses, H. 21, p. 144, 1027.

To regulate pension Confederate Soldiers, H. 50, p. 161.

To provide for Confederate Soldiers not now drawing pensions to draw same, H. 52, p. 161.

To authorize State Capitol Officers to purchase medicine, H. 53, p. 161.

For High Schools, H. 63, p. 172, 1507.

For Normal School at Jacksonville, H. 65, p. 173, 1544; S. 25, p. 2240, 1867, 1871, 2097, 2193, 2195, 2504, 2635.

For Normal School at Troy, H. 85, p. 276; H. 362, p. 1542, 1546.

Additional buildings State Normal School at Florence, H. 120, p. 290, 1544; S. 435, p. 2032.

To aid the work of Tick Eradication, H. 121, p. 1508.

For Machinery and equipments of Ala. Industrial School, H. 126, p. 292, 1542, 2205, 2416, 2482, 2601, 2621.

For the maintenance of the Ala. Industrial School, H. 127, p. 292, 1544, 1930, 1983, 2215, 2259, 2508, 2745.

For the Salvation Army of Morgan Co., H. 132, p. 295, 892, 911.



## APPROPRIATIONS—Continued.

For the support and maintenance of the Southern Ind. Institute, H. 134, p. 297, 1544, 2394, 2657, 2752.

Provide for the Alabama Polytechnic Ins., H. 163, p. 355, 388, 1542; S. 75, p. 1770, 2454, 2496.

For the Federal road of Butler County, H. 167, p. 389.

For the purchase of the Governor's Mansion, S. 2, p. 393, 464, 718, 774, p. 485, 730.

For W. M. Walls, Confederate Soldier, H. 179, p. 421, 1040, 1503, 1644, 2034, 2086.

For the Mercey Home Industrial School Birmingham, H. 195, p. 436; H. 384, p. 648, 1542, 1546, 2207, 2463, 2483, 2602, 2624, 2754.

For the holding of Teachers Institute, H. 211, p. 440, 1542, 2392, 2652, 2752.

For the Pavement Certain Streets, Capitol Grounds, H. 216, p. 441, 1503, 1850, 1917, 2289, 2307. --

Establish Board Education, Farm Demonstration, H. 33, p. 455, 649.

State Purchase 6th Vol. Mayfield Dig. S. 38, p. 456, 875, 924, 1000.

Establish Reformatory Delinquent Females, H. 222, p. 466, 1543, p. 2219, 2547, 2553; H. 265, p. 501, 1118; H. 384, p. 1542.

Ala., T. & Northern R. R., H. 237, p. 649, 1508; S. 321, 2405; 2433, 2437, 2735, 2741.

Mobile and West Ala. R. R., H. 42, p. 148, 1509; S. 321, p. 2031, 2056, 2117, 2316, 2405, 2433, 2437, 2735, 2741.

Established School Juvenile Delinquents (Negroes), H. 238, p. 469, 1504, 2076, 2078, 2483; S. 460, p. 2084, 2079, 2263, 2621.

For the support of Public Schools, H. 268, p. 501, 1509; S. 34, p. 515.

## APPROPRIATIONS—Continued.

- Relief of Mary Gassett, H. 290, p. 530; S. 30, p. 545; H. 290, p. 1407, 2421, 2610, 2755.
- Refund to Western Ry., burned tags, H. 299, p. 552.
- For the Normal School at Livingston, H. 349, p. 596, 1545.
- Funds for State Normal School, Troy, H. 362, p. 599.
- Erection of Vault, State Treasurer's office, H. 353, p. 597, 1508.
- For interest on public debt and Public School, H. 365, p. 616, 1117; S. 27, p. 1288, 1407, 1599, 1634, 1978, 2020.
- For each High School heretofore established, H. 366, p. 616, 1547.
- For Montgomery & Chattanooga R. R., H. 373, p. 617.
- Maintenance of Public School, Montgomery, H. 358, p. 598, 1542, 2082, 2083, 2435, 2515, 2541, 2747.
- Relief of Certain Corporations having paid taxes, H. 379, p. 648.
- Schools, not had the benefit heretofore, H. 398, p. 676, 1547.
- Schools of Henry County, H. 401, p. 676, 1546.
- As further provided by section Code, H. 436, p. 737, 1117, 1450, 1468, 1911.
- To encourage holding of State and County Fairs, H. 408, p. 677, 1543; S. 112, p. 1951, 2437, 2497.
- Building of Randolph School, H. 413, p. 687, 1543, 2103, 2289, 2291, 2307, 2506, 2747.
- For the Corona Normal Institute, H. 448, p. 767, 1544.
- Erect Monument Pickens and Murphy, H. 455, p. 793.
- For the enlargement of the State Capitol, H. 470, p. 801, 1545, 2191, 2295, 2548, 2516.
- Portion money received to be given Morgan county, H. 493, p. 876.
- School at Blountsville, H. 504, p. 882, 1545.

## APPROPRIATIONS—Continued.

School at Albertville, H. 507, p. 882, 1545, 2442; S. 276, p. 256, 2014, 2177, 2387.

Relief of Walter Jones, Adm., H. 512, p. 920, 1119, 1978, 2403, 2657, 2700.

Elevator in State Capitol, H. 522, p. 58, 1119.

For Fells Mfg. Co., H. 532, p. 972, 1609.

C. M. Caldwell, Relief, H. 533, p. 972.

Expense of the Legislature, Mileage, etc., H. 536, p. 987, 1026, 1090, 1457.

For R. R. Cases now pending, H. 551, p. 1030, 1877.

For Eugene Jennings, H. 562, p. 1033, 1508.

For the Mercey Home Industrial School, H. 569, p. 1076, 1547.

Relief of Zada Stuckey, H. 587, p. 1122, 1507.

Reimbursement of Stamps, Probate Judges, S. 126, p. 1139.

For binding of House and Senate Journals, H. 589, p. 1164, 1407.

Relief of A. A. Coleman, Judge, H. 590, p. 1164, 1609.

For Farm Demonstration, S. 163, p. 1206.

Expense incurred by Door-keeper, House and Senate, H. 617, p. 1258, 1407, 2250, 2498, 2748.

For Mary C. Venable as teacher, H. 627, p. 1265, 2178, 2448, 2656, 2737, 2750.

For the Oyster Commission, H. 646, p. 1321, 1544.

Appointment of Person to regulate the use of oil and gas, and penalty, S. 323, p. 1323, 1716, 2499, 2519, 2743.

School at Hamilton, H. 650, p. 1356, 1543; S. 19, p. 2141.

Mary Snow, H. 658, p. 1359, 1503, 1853, 1917, 2216, 2260, 2709.

M. M. Wise, H. 659, p. 1359, 1503, 1853, 1917, 2216, 2260.

School at Wetumpka, H. 668, p. 1411, 1545, 2303, 2716, 2728, 2731, 2732, 2750.

## APPROPRIATIONS—Continued.

School at Lineville, H. 674, p. 1442, 1542, 1763, 1801, 2075, 2087.

Further maintenance of several schools and colleges, H. 612, p. 1216, 1507.

For monument of Morgan and Pettus, S. 156, p. 2032, 2056, 2215.

Additional Buildings Florence, S. 435, p. 2032, 2056, 2247, 2503, 2574.

Authorize payment money Consumption and Tuberculosis, S. 246, p. 2035, 2051, 2533, 2586, 2743.

Alabama Technical Ins., Montv., H. 276, p. 527, 1544; S. 75, p. 1770.

Glidwell Bros., H. 720, p. 1570, 1716, 2328, 2593, 2576, 2549, 2614.

For the Horse Shoe Bend Battle, (Celebration) S. 722, p. 1572, 1609, 1813, 2460, 2588, 2657, 2752.

Publication of Code, 1907, H. 728, p. 1611, 1670, 2399, 2619, 2754.

For the Deaf and Blind, H. 742, p. 1676, 1770; S. 39, p. 1891, 1952, 2101.

Aid work of Tick eradication, suppress glanders, H. 744, p. 1678, 1716.

Alabama University, S. 64, p. 1732, 1770, 2450, 2462, 2496.

School at Hamilton, S. 19, p. 1802, 1872, 2079, 2141, 2275, 2408.

Reimburse Governor's Fund, improving Capitol and Inauguration expenses, S. 401, p. 1856.

Better equipment of School at Moundville, S. 432, p. 1909, 1952, 2417, 2448.

Erection of a School at Troy, S. 181, p. 1909, 1952, 2388, 2497.

## APPROPRIATIONS—Continued.

For the Normal School at Livingston, S. 52, p. 1910, 1952, 2251, 2406, 2525, 2743.

For the College at Blountsville, S. 278, p. 1910, 1951, 2293, 2407, 2528, 2574.

For the Alabama Girls' Tech. Inst., Montv., S. 190, p. 1910, 1951, 2457, 2462, 2497.

For G. E. Gordon, H. 811, p. 1963, 2056.

Provide for the payment and establishing of Libraries rural schools, S. 222, p. 2035, 2057, 2479, 2522.

South West Ala. Ag. School, S. 396, p. 2085, 2176, 2537, 2563, 2744.

Create an Education Commission, and Provide, H. 824, p. 2246.

Establish Juvenile School, (Negroes), S. 460, p. 2084, 2179, 2263, 2621.

For South East Ala. Agr. School, S. 226, p. 2035, 2056, 2270, 2406.

For the protection of Oyster Industry, S. 359, p. 2333, 2342, 2333, 2391, 2624, 2704.

Further appropriation for per diem Legislature, H. 819, p. 1977, 2056, 2263, 2547, 2553.

For Ala. Inds. & Technological School (Boys), S. 206, p. 2008, 2057, 2474, 2502, 2573.

Seventh Dist. Agr. School, S. 276, p. 2014, 256, 2177, 2387, 2442, 2524, 2743.

Amend an Act. Ala. Boys' Ind. School, S. 383, p. 2290, 2342.

Better equipment of School at Daphne, S. 463, p. 2085, 2177, 2385, 2456, 2527, 2574.

Provide Capitol with fire escapes, S. 483, p. 2430.

High School at Ozark, H. 768, p. 1175, 1866, 2126, 2202, 2427, 2595, 2616, 2754.

Ala. Nat. Guards S. 96, p. 728, 1504, 1607, 2657, 2720, 2738.

## ARNOLD, BILLS BY—

Election of Officers, p. 12; H. J. R. 15, p. 127; H. 12, p. 143;  
H. 13, p. 143; H. 64, p. 173; H. 162, p. 388; H. 164, p.  
388; H. 173, p. 412; H. 217, p. 465; H. 300, p. 552; H. R.  
35, p. 582; H. 392, p. 675; H. 393, p. 675; H. 394, p. 675;  
H. 395, p. 675; H. 430, p. 724; H. 535, p. 978; H. 537, p.  
978; H. 557, p. 1032; H. 573, p. 1078; H. 749, p. 1717;  
H. 724, p. 1572.

## ASSESSMENTS—

Of Real estate, H. 555, p. 1032.

## ASSESSORS, TAX—(See Taxes and Taxation.)

## ATTACHMENTS—

Providing for the docketing of Lis Pendens; attachment suits  
vs. Non-residents, S. 9, p. 406, 2467.

## ATTORNEYS—

Distribution of opinions County Officers, S. 69, p. 543, 1869.

## ATTORNEY GENERAL—

Further prescribe duties of assistant, S. 273, p. 1367, 1435,  
2734, 2736.

## ATTORNEYS AT LAW—

Appropriations of fees, for applicant to practice, H. 557, p.  
1032, 1876.

## AUTAUGA COUNTY—

Re-establish County Court, H. 574, p. 1078, 1220, 1470.  
Require board of revenue publish proceedings, H. 696, p. 1548,  
1671; H. 799, p. 1953, 2054.  
Direct Probate Judge hold regular term for misdemeanor  
cases, S. 424, p. 1804, 1860, 2114, 2510, 2744.

**AUTOMOBILES—**

Prohibit persons under 18 operating, H. 51, p. 161, 522.

Provide registration, identical, licensing of motor vehicles,  
H. 79, p. 275, 1402, 1469, 1591, 1666, 2150, 2198, 2513,  
2549, 2745.

**AVERY—BILLS BY—**

H. 653, p. 1356.

**BALDWIN COUNTY—**

To amend act establishment school at Daphne, H. 160, p.  
384, 1545.

To detach Baldwin from 13th Ct., H. 298, p. 546, 413, 687,  
737, 937, 999, 1145, 1158.

Appointment of Stenographer 2nd Circuit H. 616, p. 1257,  
1408, 1471, 1517.

Provide for further protection of Fish, H. 697, p. 1549, 1674,  
1824, 1983, 2434, 2485.

Better equipment of School at Daphne, H. 804, p. 1959, 2056;  
S. 463, p. 2085, 2177, 2385, 2456, 2527, 2574.

**BANKS—**

Create banking department, regulate, examine, supervise  
banks, H. 213, p. 440, 491, 618, 642, 644, 703, 907, 932,  
1060, 1081, 1213.

Prohibit giving of checks when not sufficient funds, S. 6, p.  
508, 739, 1053, 1107.

Extend existence of banks, persons doing banking business  
and building loans, H. 72, p. 184, 491, 621.

**BARBOUR COUNTY—**

Require Treasurer pay claims which are proper, vs. fine and  
forfeiture fund, H. 241, p. 469, 492, 535, 543, 778, 791.

BEASLEY—BILLS BY—

S. J. R. 39, p. 773.

BARNARD—

Bills by: H. 24, p. 145; H. 25, p. 145; H. 253, p. 495; H. 337, p. 592; H. 666, p. 1409; H. 287, p. 528; H. 441, p. 764; H. 642, p. 1318; H. 644, p. 1318.

BELL, OF AUTAUGA—

Bills by: H. 353, p. 597; H. 574, p. 1078; H. 696, p. 1548; H. 799, p. 1953.

BELL, OF PICKENS—

Bills by: H. 494, p. 877; H. 817, p. 1972.

BESSEMER—

Re-arrange boundary lines, H. 662, p. 1360, 2128, 2549, 2748.  
Regulate the sale of liquor, H. 769, p. 1777, 1873.

BIBB COUNTY—

To fix compensation of Sheriff, H. 242, p. 493, 585, 854, 870, 1227, 1276, 1277.

BILL OF EXCEPTIONS—

To reserve other points than shown, H. 292, p. 531, 1068.  
To provide time for signing in habeas corpus, H. 648, p. 1355, 1975.

BIRMINGHAM—

Appropriation for Home Mercey Industrial School, H. 195, p. 436; H. 384, p. 648; H. 569, p. 1076, 1547, 2207; H. 195, p. 1547, 2483, 2602, 2624.

Further regulate City Court, S. 220, p. 824, 917, 1101, 1112, 1134.



## BIRMINGHAM—Continued.

Fix time of holding City Court, H. 631, p. 1266, 1502.

Establish Inferior Court, precincts 21 and 37, S. 454, p. 2015,  
2053, 2512, 2714, 2737.

## BLOUNT COUNTY—

~~Better system of Public Roads, S. 277, p. 1184, 1950, 2127,~~  
2197.

Establish line between Blount and St. Clair, H. 743, p. 1676.

## BOARD OF REVENUE—

Refund any improper license tax, paid by corporations, H.  
47, p. 158, 1872.

Regulate compensation of County Tax Commissioner, H. 186,  
p. 433, 526.

Funds for farm demonstration, H. 198, p. 437, 632, 650, 996,  
1047.

Require board to pay half money, road tax, H. 454, p. 793,  
1069.

Authorize County Commissioners have printed maps of coun-  
ty, S. 142, p. 872.

Establish Board, Covington County, H. 541, p. 992.

Reimbursement of postage stamps, S. 126, p. 1139, 2468.

Establish Board Agriculture and supervision, H. 33, p. 146.

Appropriate funds farm demonstration, S. 163, p. 1206, 1431.

Require County Commissioners re-arrange several precincts,  
H. 643, p. 1318, 1875.

Authorize board purchase automobile, road inspection, H. 668,  
p. 1448, 1708.

Board to make monthly reports, and penalty, H. 685, p. 1448,  
1672.

To establish board, S. 411, p. 1901, 2052.

BOARD OF REVENUE—Continued.

Authorize County Commissioners borrow money, S. 291, p. 2261, 2468.

Authorize board pay expenses incurred in litigation, matters arising official acts, S. 292, p. 2333, 2468.

BOSWELL—

Bills by: H. 449, p. 768; H. 668, p. 1509.

BREWER—

Bills by: H. 187, p. 433; H. 252, p. 495.

BRINDLEY—

Bills by: H. 281, p. 527; H. 282, p. 527; H. 368, p. 616; H. 382, p. 648; H. 383, p. 648; H. 543, p. 994; H. 544, p. 995; H. 575, p. 1075; H. 635, p. 1273; H. 730, p. 1612; H. 751, p. 1718; H. 725, p. 1718; H. 762, p. 1721; H. 775, p. 1782.

BRIBERY—

Make it a crime to bribe a person to confess, H. 292, p. 531.

BRIDGES—

(See Public Roads and Bridges.)

BROWN, OF PIKE—

Bills by: H. 49, p. 161; H. 85, p. 276; H. 86, p. 287; H. 204, p. 438; H. 205, p. 438; H. 259, p. 500; H. 260, p. 500; H. R. 51, p. 906; H. 531, p. 972; H. 607, p. 1176; H. 806, p. 1177; H. 611, p. 1216; H. 664, p. 1409; H. R. 4, p. 20.

BROWN, OF TUSCALOOSA—

Bills by: H. 65, p. 501; H. 374, p. 617; H. 416, p. 687; H. 629, p. 1266; H. 667, p. 1411; H. 683, p. 1418.

**BURTON—**

Bills by: H. 331, p. 588; H. 377, p. 647; H. 580, p. 1120; H. R. 75, p. 1163; H. 647, p. 1355.

**BUTLER COUNTY—**

Fix fees and commissions of Deputy Solicitor, H. 11, p. 142, 537, 492, 542, 778, 790.

Appropriation for federal roads, H. 167, p. 389, 1509.

Create the office County Solicitor, H. 439, p. 761, 1023, 1600, 1622, 1808, 1809, 2007, 2026, 2087.

Long resigns page 1228.

**BUTT—**

Bills by: H. 81, p. 276; H. 129, p. 293; H. 130, p. 293; H. 158, p. 383; H. 170, p. 392; H. 343, p. 594; H. 426, p. 715; H. 427, p. 715; H. 435, p. 737; H. 471, p. 801; H. 492, p. 876; H. 595, p. 1168; H. 665, p. 1409; H. 803, p. 1957.

**BUSH—**

Bills by: H. 126, p. 292; H. 127, p. 292; H. 200, p. 437; H. 619, p. 1258; H. 621, p. 1258; H. 620, p. 1258; H. 622, p. 1260; H. 623, p. 1261; H. 766, p. 1772; H. 791, p. 1879; H. 792, p. 1879.

**CANEBRAKE AGRICULTURAL EXPERIMENT STATION—**

To change and regulate, S. 53, p. 508, 915, 1461, 1530, 1734, 2084.

**CALHOUN COUNTY—**

Authorize Commissioners draw warrants for interest to Dean, H. 502, p. 881, 1023, 1827, 1982, 2216, 2260.

**CAPITOL, STATE—**

Enlargement of State Capitol, H. 470, p. 801, 1545, 2191, 2295, 2548, 2516.

CAPITOL—STATE—Continued.

Elevator for Capitol, H. 522, p. 1119, 58.

Fire Escapes for, S. 483, p. 2430.

CAPPS—

Bills by: H. R. 13, p. 99.

CARROLL—

Bills by: H. 768, p. 1775.

CHAMBERLAIN—

Bills by: H. 37, p. 147; H. 38, p. 147; H. 39, p. 147; H. 40, p. 147; H. 68, p. 173; H. 122, p. 292; H. 123, p. 292; H. 124, p. 292; H. 125, p. 292; H. 141, p. 300; H. 155, p. 365; H. 291, p. 530; H. 313, p. 559; H. 314, p. 559; H. 315, p. 561; H. 316, p. 567; H. 317, p. 567; H. 372, p. 616; H. 480, p. 837; H. 485, p. 840; H. 558, p. 1032; H. 602, p. 1171; H. 646, p. 1321; H. 675, p. 1442; H. 790, p. 1878; H. 822, p. 2069.

CHAMBERS COUNT—

Fix, regulate fees of Deputy Solicitor, H. 434, p. 736.

CHILDREN—

Punishment for cruelty to, H. 125, p. 519, 739, 758, 1468, 1520.

CHILD LABOR—

To amend sections one and eight, regulating child labor, H. 526, p. 970, 1877.

To amend sections 8 and 11, regulating employment of, S. 264, p. 1733, 1861, 2544, 2743.

CHILTON COUNTY—

Require Commissioners' Court appropriate for stock raising, S. 343, p. 1749, 1867, 2226.

## CHOCTAW COUNTY.

Provide for election of County Solicitor, duties and salary,  
H. 93, p. 284, 354, 474, 483, 778, 790.

## CITIES AND TOWNS—

To compensate property owners for obstructing street, H. 23,  
p. 145, 2067.

Provide civil service regulation officers and members of po-  
lice department, H. 24, p. 145, 1870, 2104, 2434, 2482.

Provide for pension police officers, H. 25, p. 145.

Regulate the making of arrests, H. 26, p. 145.

Regulate tailors and tailoring companies, H. 49, p. 161, 2058,  
2203.

Prohibit from collecting taxes from traveling salesmen, H.  
80, p. 276, 1071.

Require clerks to deliver certificates showing tax claims and  
liens, H. 104, p. 289, 354, 442.

Amount of tax to be charged R. R., H. 218, p. 465.

Provide for establishment of highways, H. 404, p. 677, 1022,  
1984, 2022, 2434, 2485.

To operate their own waterworks, H. 441, p. 764, 1435, 1849,  
1917, 2540.

To regulate assessments and levy taxes, H. 115, p. 290, 1070,  
1333, 1406, 1756, 1809.

Authorize for the construction, maintenance, subways, via-  
ducts, or bridges, S. 197, p. 1139, 1869, 2422, 2441.

Ratify and confirm census reports of same filed Secretary  
State, S. 224, p. 1183, 1435, 1825, 2002.

Board of Election Commfssioners to be established in cities  
and towns certain inhabitants, H. 652, p. 1356.

Chairman of board education participate in election county  
school trustees, H. 661, p. 160, 165.

Prohibit the sale of goods upon private lands, S. 162, p. 1042,  
1407.

## CITIES AND TOWNS—Continued.

Empower aid to firemen when hurt or killed, H. 678, p. 1444,  
1715, 2266, 2548, 2748.

Define governing body certain cities, S. 225, p. 1753, 1870,  
2717, 2706.

## CLAY COUNTY—

To establish a county court, H. 456, p. 793, 1022, 1099, 1206,  
1213; S. 166, p. 1136, 1221, 1333, 1391; S. 452, p. 2037,  
2244, 2559.

To provide for the better construction of public roads, H.  
540, p. 980, 1069, 1472, 1517, 1900, 1912; S. 301, 1185,  
1501, 2228, 2407.

Prohibit manufacturing, sale or other disposition of liquor,  
H. 765, p. 1782, 2059.

## CLARKE COUNTY—

To amend section 1632 so far relates to Clarke, H. 302, p.  
552, 585, 861, 871, 1470, 1520.

Prohibit dogs from running at large, H. 303, p. 552, 1878.



## CLAIMS AND FEES—

(See Appropriations.)

## CLEBURNE COUNTY—

To regulate the practice in Circuit Court, S. 298, p. 1140,  
1713, 1829, 2002.

## COUNTY TAX COMMISSIONERS—

To abolish, H. 289, p. 530, 694, 1026.

To abolish the office, H. 542, p. 994; H. 636, p. 1273, 2061,  
2064.

To regulate limit, compensation, H. 186, p. 433.

To prohibit the changing of taxes, H. 185, p. 432, 1025.

## CODE—

Amend Section 6638, H. 1, p. 15, 100, 133.

Amend Section 6638, H. 1, p. 15, 100, 133.

Amend Section 920, 922, S. 4, p. 80, 266, 179, 283.

Amend Section 551, S. 5, p. 100, 127, 128, 130, 187.

Amend Section 3281, H. 5, p. 134.

~~Repeal Sections 6960, 6961, 6967, 6968, 6972, 6974, 6976, 6977~~

and 6982, H. 6, p. 134, 1072.

Repeal Sections 656-688, H. 7, p. 134, 1072.

Amend Section 4198, H. 8, p. 134, 1085.

Amend Section 1741, H. 13, p. 143.

Amend Section 3237, H. 16, p. 144, 829.

Amend Section 28, H. 17, p. 144, 356, 833.

Amend Section 546, 547, H. 18, p. 144, 1439, 2329, 2547, 2617,  
2700.

Amend Section 7276, H. 19, p. 144, 354, 443, 455.

Amend Sections 24 and 32, H. 20, p. 144, 1434.

Amend Section 932, H. 22, p. 145, 573, 574, 579, 641, 673,  
355.

Amend Section 7324, H. 31, p. 146, 776, 1275, 1326, 519, 742.

Amend Section 2173, H. 32, p. 146, 357, 1508.

Amend Sections 113-120, H. 34, p. 147.

Amend Section 3613, H. 37, p. 147, 916, 1017, 1040.

Amend Section 3622, H. 38, p. 147, 1118.

Amend Section 3047, H. 41, p. 147, 730, 776, 353, 1469, 458.

Amend Section 6933, H. 56, p. 165, 283.

Amend Section 6262, H. 58, p. 166, 282.

Amend Section 923, H. 64, p. 173, 179, 267, 410.

Amend Section 1193, H. 67, p. 173, 471, 1715.

Amend Sections 1116-1120, H. 69, p. 174, 705.

Amend Section 6249, H. 75, p. 275, 472, 1426, 354, 483, 1457.

Amend Sections 7383, 7384, 7385, H. 82, p. 276, 646.

Amend Section 5748, H. 83, p. 276, 1025, 1459, 1468, 2464.

## CODE—Continued.

- Amend Section 3812, H. 84, p. 276, 283, 443, 520.  
Amend Sections 707, 708, H. 86, p. 277, 523.  
Amend Section 3798, H. 87, p. 277, 283, 641, 805, 810, 869,  
455, 673.  
Amend Section 7692, H. 88, p. 277, 356, 487, 806.  
Amend Section 7692, H. 89, p. 277.  
Amend Section 6638, H. 91, p. 284, 628, 650, 1047.  
Amend Section 6666, H. 92, p. 284.  
Amend Section 6351, H. 94, p. 285, 758, 520, 741, 758, 884.  
Repeal Section 1457, H. 96, p. 286.  
Repeal Section 6321, H. 97, p. 286, 1873.  
Repeal Section 1175, H. 98, p. 286, 1872.  
Amend Section 7162, H. 102, p. 288, 2064.  
Amend Section 3418, H. 108, p. 290, 354, 488, 641, 802, 810,  
869, 506, 673.  
Repeal Section 2838, H. 110, p. 290, 1436.  
Amend Section 2164, H. 113, p. 290, 1872.  
Amend Section 2097, H. 114, p. 290, 1872.  
Amend Section 3729, H. 116, p. 290.  
Amend Section 6648, H. 117, p. 290, 1753, 1754, 1809, 522,  
651, 670.  
Amend Section 7162, H. 118, p. 290, 471, 641, 355, 673, 483.  
Amend Section 7164, H. 119, p. 290, 355, 471, 475, 641, 673,  
803, 809, 869, 483.  
Amend Section 1336, H. 122, p. 292, 587.  
Amend Section 7245, H. 123, p. 292, 1436.  
Amend Section 2884, H. 131, p. 295, 479, 2464, 2553, 2797,  
2620, 355.  
Amend Section 5364, H. 137, p. 298, 1070.  
Amend Section 6845, H. 146, p. 359, 875.  
Amend Section 7692, H. 147, p. 360, 487, 844, 870, 1520, 1731,  
2005, 2086, 464, 1457.



## CODE—Continued.

- Amend Section 6701, H. 149, p. 360, 874, 1211, 1224.
- Amend Section 1995, H. 153, p. 365, 1509.
- Amend Section 2023, H. 154, p. 365, 1505.
- Amend Section 5768, H. 158, p. 383, 645, 1003, 1040, 2464, 2483.
- ~~Amend Section 7791, H. 159, p. 884, 587.~~
- Amend Section 1996, H. 166, p. 389.
- Amend Section 4546, H. 168, p. 389, 618, 885, 903, 2737, 2751.
- Amend Section 6983, H. 172, p. 392, 587.
- Amend Section 637, S. 12, p. 395, 583, 696, 718, 775.
- Amend Section 3237, S. 24, p. 406, 631, 521, 675.
- Amend Sections 3134, 3135, 3136, S. 22, p. 406, 521.
- Amend Section 1861, H. 173, p. 412, 618, 693, 910, 1426, 1456.
- Amend Section 6845, H. 174, p. 412, 1876.
- Amend Section 3613, H. 175, p. 412, 521, 620, 650, 1888, 1890, 1931.
- Amend Section 6701, H. 167, p. 412, 875.
- Amend Section 365, H. 196, p. 436.
- Amend Section 828, H. 197, p. 437, 464, 606, 615.
- Amend Section 4822, H. 199, p. 437, 740, 758.
- Amend Section 7803, H. 206, p. 438, 856, 870.
- Amend Section 6878, H. 207, p. 439, 851, 870, 2111, 2198.
- Amend Section 546 and 547, H. 208, p. 439, 1068, 2611.
- Amend Section 7794, H. 209, p. 439, 1025.
- Amend Section 6321, H. 212, p. 440.
- Amend Section 6902, H. 214, p. 440, 2065.
- Amend Section 6245, S. 44, p. 456, 2468.
- Amend Section 2296, S. 36, p. 456, 631, 1052, 1107, 521, 744, 792.
- Amend Section 6964, H. 219, p. 465, 2065.
- Repeal Section 6967, H. 220, p. 465, 2066.
- Amend Section 6376, H. 223, p. 466, 504fi 834.

## CODE—Continued.

- Amend Section 2486, H. 225, p. 466, 1874.  
Amend Section 1678, H. 226, p. 466, 1508.  
Amend Section 7325, 4361, H. 227, p. 466, 661, 670, 1135.  
Amend Section 5778, H. 228, p. 467, 523.  
Amend Section 698, 711, 712, 718, 730, and 731, H. 239, p. 468, 635, 650, 1392, 1426.  
Amend Section 3047, H. 68, p. 471.  
Repeal Sections 3654-3661, S. 47, p. 483, 875, 1760, 1981, 483.  
Amend Section 4482, S. 49, p. 483, 1861.  
Amend Section 5364, H. 246, p. 495, 1874.  
Amend Section 4840, H. 245, p. 494, 1119.  
Amend Section 2996, H. 247, p. 495, 1118.  
Amend Section 6318, H. 249, p. 495, 1118, 2010, 2022, 2539, 2576, 2605, 2620, 2753.  
Amend Section 615, H. 250, p. 495, 587, 903, 1751, 2110, 2198, 2507, 2745.  
Amend Section 4894, H. 251, p. 495, 829.  
Amend Section 6578, H. 252, p. 495, 883, 903, 2075, 2198, 2508, 2745, 520.  
Amend Section 7834, H. 254, p. 498, 783, 1365, 1427, 1644, 2004, 2086, 2213, 2241, 2746.  
Amend Section 6264, H. 262, p. 500, 1874.  
Amend Section 2842, H. 263, p. 500, 916, 1641, 2499, 2746.  
Amend Section 5362, H. 264, p. 501, 1874.  
Repeal Sections 2210-2266, H. 267, p. 1071.  
Amend Section 770, S. 17, p. 508, 1860.  
Amend Section 341, S. 54, p. 508, 1354.  
Amend Section 7692, S. 42, p. 508, 645, 674, 1004.  
Amend Section 28, S. 26, p. 508, 832.  
Amend Section 7325, H. 227, p. 520.  
Amend Section 7834, H. 254, p. 521, 744, 792.  
Amend Section 6878, H. 207, p. 521.

## CODE—Continued.

Amend Section 7803, H. 206, p. 521.

Amend Section 3910, S. 90, p. 703, 918, 2607, 2636.

Amend Sections 698, 711, 712, 718, 730 and 731, H. 239, p. 552.

Amend Section 6958, H. 271, p. 525, 2066.

~~Amend Section 7899, H. 275, p. 525.~~

Amend Section 1912, H. 275, p. 527, 584, 653, 670, 778, 791.

Amend Section 7678, H. 277, p. 527, 2063.

Amend Section 7677, H. 279, p. 527, 1353, 2010, 2462, 2483.

Amend Sections 7049, 7050, 7052-7054, H. 280, p. 527, 883, 904, 2498, 2746.

Amend Sections 1861-1863, H. 282, p. 527, 1544, 1925, 1984, 2289, 2307.

Amend Sections 28, 29 and 32, H. 283, p. 528, 830, 1059, 2199, 2303, 2386, 1081, 2075.

Amend Section 6958, H. 288, p. 529, 2065.

Revise Section 1678, H. 284, p. 528.

Revise Section 1975, 1976, 1977, 1981, 1992, H. 285, p. 528, 2322, 2657, 2728, 2729, 2752.

Amend Sections 1712-1716, H. 295, p. 531, 739, 1278, 1328, 1366.

Amend Section 6638, S. 98, p. 543, 1953, 2062.

Amend Section 5897, S. 67, p. 543, 1354, 2613.

Amend Section 6845, S. 77, p. 545, 1873.

Amend Sections 1996 and 2032, S. 30, p. 543, 1503.

Amend Sections 2106, 2155 and 2195, S. 31, p. 543, 2465.

Amend Section 7083, S. 95, p. 543, 834, 1064, 1127, 1483, 1485, 1634.

Amend Section 2024, H. 297, p. 546.

Amend Section 1632, H. 302, p. 552, 585, 861, 1520.

Amend Section 6964, H. 304, p. 554, 646, 1013, 1040, 2653, 2752.

## CODE—Continued.

Amend Section 7550, H. 312, p. 559, 646, 1051, 1689, 2711,  
2750.

Amend Section 7818, H. 318, p. 568, 874.

Amend Section 1218, H. 320, p. 569.

Amend Section 1995, H. 324, p. 572, 1503, 1637, 1644.

Amend Section 1780, H. 325, p. 572, 1503.

Amend Section 4573, H. 326, p. 572, 1071.

Amend Section 4594, 4595, H. 327, p. 572, 1435, 1604, 2069,  
2289, 2307.

Amend Section 3684, H. 328, p. 572, 646, 901, 970, 1206, 1213.

Amend Section 2486, S. 89, p. 579, 1860, 2606, 2636.

Amend Section 3912, S. 88, p. 579, 1354, 2605, 2635.

Amend Section 2486, H. 332, p. 589.

Amend Section 7083, H. 334, p. 590, 737, 1015, 1040, 2499,  
2553.

Amend Section 6971, H. 336, p. 591, 2065.

Amend Sections 61, 67, H. 338, p. 592, 1542, 1590, 1607, 2306,  
2419, 2657, 2752.

Amend Section 1116, 1119, H. 351, p. 597, 705.

Amend Section 1116-1120, H. 352, p. 597, 705, 1222, 1273.

Amend Section 7733, H. 355, p. 598.

Amend Section 3257, H. 356, p. 598, 2061.

Amend Section 6899, H. 359, p. 598, 2065.

Amend Section 6902, H. 360, p. 598, 2065.

Amend Section 6964, H. 361, p. 598, 2065.

Repeal Section 3174, S. 84, p. 613, 1861, 2723, 2736.

Amend Section 3164, S. 20, p. 614, 1118, 2617, 216.

Amend Section 5231, S. 21, p. 614, 2467.

Amend Section 2846, H. 363, p. 615, 874, 1208, 1224, 2110,  
2199.

Amend Section 8, H. 368, p. 616, 1435.

Amend Section 6753, H. 367, p. 616, 834.

## CODE—Continued.

Amend Section 3244, H. 369, p. 616, 737.

Amend Section 3236, H. 370, p. 616, 737.

Amend Section 3229, H. 371, p. 616, 737, 2132, 2202, 2435, 2621,  
2639.

Amend Section 115, 119, H. 378, p. 647.

~~Amend Section 4714, H. 381, p. 648, 916.~~

Repeal Section 2409, H. 383, p. 648, 830, 1224, 1667.

Amend Section 2082, H. 385, p. 648, 916.

Amend Section 7371-7377, H. 387, p. 649, 1316, 2273.

Amend Section 6312, H. 390, p. 649.

Amend Section 1216, S. 51, p. 666, 1860.

Amend Section 1808, S. 94, p. 666, 737, 1052, 1107.

Amend Section 6573, S. 128, p. 666, 1860.

Amend Section 4494, S. 140, p. 666, 1712.

Amend Section 6565, S. 152, p. 666, 1435.

Amend Section 5144, S. 155, p. 667.

Amend Sections 1626, 1637-1640, S. 124, p. 667, 1117, 1469,  
1573, 1987, 2084.

Amend Section 2340-2344, H. 392, p. 675, 2063.

Amend Section 1524, H. 394, p. 675, 829, 1399, 1753, 1755, 1810.

Repeal Sections 6450-6455, H. 395, p. 675, 2064.

Amend Section 3446, H. 402, p. 667, 1068.

Amend Section 1218, H. 403, p. 677.

Amend Section 1861-1863, H. 405, p. 677, 1547.

Amend Section 2984, H. 406, p. 667, 737, 1016, 1040, 2737,  
2751.

Amend Section 5225, H. 409, p. 678, 1068.

Amend Section 2631, H. 410, p. 678, 1068.

Amend Section 7692, H. 412, p. 687.

Amend Section 3052, H. 415, p. 687, 1025.

Amend Section 6467, H. 417, p. 687.

CODE—Continued.

- Amend Section 3234, H. 421, p. 688, 737, 852, 870, 1197, 1213.
- Amend Section 450, S. 127, p. 690, 1671.
- Amend Section 7399, S. 146, p. 690, 2468.
- Repeal Sections 113-120 and 6668, S. 60, p. 703, 1027.
- Amend Section 3394, S. 125, p. 703, 917, 1332, 1391.
- Amend Section 470, H. 422, p. 703, 829, 1399, 1401, 1406, 2027, 2087.
- Amend Section 471, H. 423, p. 705, 2063.
- Amend Section 3232, H. 432, p. 724, 830, 2134, 2202, 2433, 2443.
- Amend Section 2047, H. 436, p. 737, 1117, 1450, 1452, 1468, 1892.
- Amend Section 8, S. 182, p. 728, 1713, 2613, 2717.
- Amend Section 6902, H. 237, p. 737, 2064.
- Amend Section 1128, H. 450, p. 769.
- Amend Section 1942, S. 41, p. 772, 918, 1449.
- Amend Section 5202, H. 459, p. 799, 830, 1092, 1116, 1519, 1521.
- Amend Section 6964, H. 460, p. 799, 2064.
- Amend Section 1339, H. 446, p. 776, 1437.
- Amend Sections 828, 835, H. 463, p. 800, 1606, 2319, 2498, 2747.
- Amend Sections 999-1038, H. 464, p. 800, 1222, 2342; H. 431, p. 800, 1222, 2342, 2431.
- Amend Section 6958, H. 465, p. 801, 2065.
- Amend Section 6957, H. 466, p. 801, 2066.
- Amend Section 6964, H. 467, p. 801, 2064.
- Amend Section 4156, H. 469, p. 801, 874, 1018, 1041.
- Amend Section 2361, H. 471, p. 801, 1872.
- Amend Section 6966, H. 472, p. 801, 2065.
- Amend Sections 676, 679, 680, 6902, 2956, 6958, 6960, 6961, 6963, 6964, 6967, 6971, 6973, 6974, 6975, H. 473, p. 802, 1505.

## CODE—Continued.

- Amend Section 3046, H. 474, p. 802.  
Amend Section 3240, S. 221, p. 825, 918, 1093, 1113, 1134.  
Amend Section 2169, H. 475, p. 835, 2062.  
Amend Section 2103, H. 476, p. 835, 2052, 2331, 2709, 2751.  
Amend Section 5885, H. 478, p. 836, 2062.  
~~Amend Section 1650, H. 480, p. 837, 1854, 2453, 2609, 2753.~~  
Amend Section 7327, H. 481, p. 837.  
Amend Section 771-792, H. 488, p. 841, 1120.  
Amend Section 3231, H. 487, p. 841, 2052.  
Amend Section 2974, H. 490, p. 842, 916, 1091, 1116, 1350, 1738.  
Amend Section 1221, S. 195, p. 871, 1859.  
Amend Section 365, S. 82, p. 872, 1671.  
Amend Section 380, S. 129, p. 872, 1671.  
Repeal Section 6476, H. 496, p. 879, 1875.  
Repeal Section 6477, H. 496, p. 879.  
Amend Section 6309, H. 497, p. 879, 916.  
Amend Section 835, H. 499, p. 879, 2064.  
Amend Section 5162, H. 500, p. 879.  
Amend Section 2061, H. 503, p. 882, 1118, 1395, 1398, 1406,  
1666, 1667.  
Amend Section 1678, H. 506, p. 882, 1507.  
Amend Section 6634, S. 165, p. 911, 2468.  
Amend Section 1941, S. 160, p. 911, 1543.  
Amend Section 2486, H. 508, p. 918, 1875.  
Amend Section 3912, H. 509, p. 918, 1875.  
Amend Section 735, H. 512, p. 921.  
Amend Section 735, H. 513, p. 2062.  
Amend Section 5778, H. 515, p. 922, 1070, 1449.  
Amend Section 3615, 3625, H. 516, p. 922, 957, 1049, 1124, 1158.  
Amend Section 1699, H. 519, p. 957, 1507.  
Amend Section 733 H. 521, p. 958, 1543, 2299, 1547, 2749.

## CODE—Continued.

- Amend Sections 113-120, H. 525, p. 970, 2064.  
Amend Section 3385, H. 529, p. 971, 2064.  
Amend Section 2228, H. 531, p. 972, 1872.  
Amend Section 2340-2344, H. 535, p. 978, 1606.  
Amend Section 561, H. 537, p. 978, 1542, 2309, 2547, 2553.  
Amend Sections 3264 and 3265, S. 187, p. 777, 1023, 2222, 2258.  
Amend Section 1691, H. 375, p. 617, 1028.  
Amend Section 1467, H. 547, p. 1030, 1608.  
Amend Section 4696, H. 559, p. 1032, 1502.  
Amend Section 1258, S. 174, p. 1042, 1714, 2715, 2735.  
Amend Section 2038, S. 201, p. 1043, 1952.  
Amend Section 6211, S. 189, p. 1043, 1873.  
Amend Section 6733, S. 137, p. 1043.  
Amend Section 6112, S. 214, p. 1043, 1316.  
Amend Section 7607, H. 568, p. 1076, 1354.  
Amend Section 3164, H. 573, p. 1078, 1869.  
Amend Section 3931, H. 574, p. 1078, 1220, 1470.  
Amend Section 2061, H. 578, p. 1080, 1354.  
Amend Section 1182, H. 579, p. 1120.  
Amend Section 707, H. 580, p. 1120, 1608, 2450.  
Amend Section 6354, H. 583, p. 1122, 1876.  
Amend Section 6354, H. 584, p. 1122, 1876.  
Amend Section 2891, H. 585, p. 1122, 1876.  
Amend Section 6264, H. 586, p. 1122, 1256.  
Amend Section 3043, S. 243, p. 1139, 1712, 2535, 2743.  
Amend Section 3241, S. 215, p. 1139, 1861.  
Amend Section 731, S. 102, p. 1139, 1873.  
Amend Section 6969, H. 591, p. 1166, 2065.  
Amend Section 6902, H. 592, p. 1166, 2066.  
Amend Section 4581, H. 609, p. 1178, 1221.  
Repeal Section 4582, H. 609, p. 1178.



## CODE—Continued.

Amend Section 895, H. 610, p. 1179, 1502, 1847, 1918, 2216,  
2260.

Amend Section 3979, S. 282, p. 1180, 1712.

Amend Section 4053, S. 217, p. 1181, 2053.

Amend Section 6169, S. 262, p. 1181, 1770, 1925, 2000, 2566,  
2745.

Amend Section 2974, S. 271, p. 1226, 1861.

Amend Section 2061, S. 308, p. 1227, 1860.

Amend Sections 1702, 1703, 1707, 1711, 1712, 1713, 1715, 1716,  
H. 244, p. 494, 738, 1228, 1234.

Amend Section 1357, H. 619, p. 1258, 1499, 1836, 1918, 2110,  
2199.

Amend Section 1334, H. 624, p. 1262, 1715, 2443, 2657, 2754.

Amend Section 4897, H. 628, p. 1256, 1354.

Amend Section 6163, S. 234, p. 1288, 1708.

Amend Section 735, S. 280, p. 1288, 1608, 1927, 2000.

Amend Section 6898, S. 244, p. 1299, 1502, 2536, 2574.

Amend Section 3019, H. 638, p. 1317, 1713.

Amend Section 3022, H. 640, p. 1318, 1711.

Amend Section 1438, S. 257, p. 1323, 1500.

Amend Section 3499, S. 268, p. 1323, 1546, 2471, 2497.

Amend Section 1734, H. 649, p. 1356, 1606, 2325, 2657, 2752.

Amend Section 4209, H. 651, p. 1356, 2063.

Amend Section 757, 759, 767, H. 654, p. 1358, 1437.

Amend Section 130, H. 655, p. 1358, 2052.

Amend Section 6960, H. 660, p. 1360, 1506, 2247.

Amend Section 1439, 1440, 1441, S. 198, p. 1364.

Amend Section 1193, S. 14, p. 1367, 1714.

Amend Section 3720, S. 192, p. 1367, 1503, 1922, 2034.

Amend Section 4480, S. 303, p. 1367, 1860, 2571, 2743.

Amend Section 175, H. 673, p. 1442, 1501.

Amend Section 7607, H. 682, p. 1448, 2052.

## CODE—Continued.

- Amend Section 2199, H. 683, p. 1448, 2052.  
Amend Section 1216, H. 686, p. 1509, 2052.  
Amend Section 7827, H. 687, p. 1509, 2061.  
Amend Section 332, H. 688, p. 1509.  
Amend Section 735, H. 689, p. 1510, 1872.  
Amend Section 4032, H. 690, p. 1510, 2061.  
Amend Sections 555, 558, 560, S. 362, p. 1513, 1709, 2311,  
2407.  
Amend Section 4031, H. 699, p. 1552, 1605, 1607, 2100, 2150,  
2306, 2308, 2599, 2619, 2700.  
Amend Section 1769, H. 704, p. 1555, 1670.  
Amend Section 1128, H. 708, p. 1560, 1715, 2402.  
Amend Section 272, H. 711, p. 1561, 1871.  
Amend Section 2167, H. 712, p. 1561, 1871.  
Amend Section 7803, H. 725, p. 1572, 1607, 2400.  
Amend Section 3231, H. 732, p. 1613, 1711, 1833, 1918, 2306,  
2308.  
Amend Section 656, 688, H. 737, p. 1617, 2063.  
Amend Section 2082, H. 740, p. 1620, 2067.  
Amend Section 1678, H. 77, p. 275, 1027, 1636.  
Amend Section 6390, H. 746, p. 1678, 1869.  
Amend Section 5780, H. 748, p. 1679, 2051.  
Amend Section 5675, H. 749, p. 1717, 1869.  
Amend Section 1261, H. 751, p. 1718, 1869, 2610, 2651, 2752.  
Amend Section 1440, H. 752, p. 1718, 1869.  
Amend Section 770, H. 761, p. 1721, 2062.  
Amend Section 1128, S. 394, p. 1726, 1869, 2558, 2744.  
Amend Section 1761, S. 218, p. 1727, 1771, 2421, 2448.  
Amend Section 1995, S. 159, p. 1733, 1984, 2021, 2478, 2497.  
Amend Section 1678, S. 161, p. 1733, 1865, 2073, 2074, 2147,  
2442, 2564, 2742.  
Repeal Section 6619, 7196, 7212-7222, S. 265, p. 1733, 1861.

## CODE—Continued.

- Amend Section 5644, S. 320, p. 1749, 1874.  
Amend Section 1780, S. 374, p. 1753, 1865, 2328, 2407.  
Amend Section 1861, 1862, and 1863, S. 365, p. 1753, 1865.  
Amend Section 2078, H. 770, p. 1779.  
Amend Section 1726, H. 771, p. 1779, 1866.  
~~Amend Section 5222, H. 772, p. 1779, 2051.~~  
Amend Section 99, H. 775, p. 1782.  
Amend Section 2519, H. 779, p. 1787, 2064.  
Amend Section 1993, S. 136, p. 1802, 1871.  
Amend Section 4031, S. 418, p. 1857, 1860.  
Amend Section 1359, H. 791, p. 1879, 1950, 2125, 2279, 2386.  
Amend Section 1374, H. 792, p. 1879, 1950.  
Amend Section 1996, H. 794, p. 1879, 2062.  
Amend Section 733, S. 123, p. 1903, 1951.  
Amend Section 896, H. 797, p. 1953, 2066.  
Amend Section 2169, H. 807, p. 1961, 2052, 2401, 2609, 2756.  
Amend Section 1218, H. 810, p. 1962, 2052.  
Amend Section 1467, H. 818, p. 1977, 2063.  
Amend Section 6207, S. 406, p. 2018, 2053.  
Amend Section 5970, S. 405, p. 2031, 2059, 2215, 2583.  
Amend Section 804, S. 423, p. 2035, 2245, 2342, 2706, 2717.  
Amend Section 1233, S. 228, p. 2039, 2062.  
Amend Section 3299, H. 486, p. 840, 2053.  
Amend Section 3793, S. 290, p. 2051, 2726, 2738.  
Amend Section 4080, H. 822, p. 2069, 2179.  
Amend Section 3257, S. 61, 2114, 2467, 2617.  
Amend Section 3022, S. 353, p. 2144, 2245.  
Amend Section 3019, S. 354, p. 2144, 2245.  
Amend Section 2218, S. 462, p. 2144, 2245, 2547, 2556, 2640,  
2704.  
Amend Section 1769, S. 399, p. 2145, 2244.  
Amend Section 6572, S. 313, p. 2145, 2245.

## CODE—Continued.

- Amend Section 3281, S. 237, p. 2145, 2245, 2467, 2469, 2713, 2738.
- Amend Section 3104, S. 404, p. 2146, 2245.
- Amend Section 1182, S. 315, p. 2128, 2245.
- Amend Section 4840, S. 255, p. 2169, 2245.
- Amend Section 2996, S. 256, p. 2170, 2244.
- Amend Section 999, S. 476, p. 2202.
- Amend Section 2169, S. 472, p. 2217, 2340.
- Amend Sections 2340, 2341, 2343 and 2344, S. 333, p. 2217, 2340.
- Amend Section 3021, S. 337, p. 2218, 2338.
- Amend Section 679, S. 363, p. 2340.
- Amend Section 3495, S. 427, p. 2290, 2340.
- Amend Section 2830, S. 310, p. 2291, 2340.
- Amend Section 682, S. 364, p. 2291, 2338.
- Amend Section 7162, S. 76, p. 2335, 2341.
- Amend Sections 5253, 5254, 5255, 5258 and 5265, S. 93, p. 2335, 2340.
- Amend Section 3299, S. 171, p. 2430.
- Amend Section 7803, S. 487, p. 2452, 2467, 2618.

## CONFEDERATE SOLDIERS AND SAILORS—

- Regulate pensions, H. 50, p. 161; H. 444, p. 766, 831, 2049, 2547, 2747.
- Provide for those not now receiving pensions, H. 52, p. 166; H. 50, 280; H. 52, p. 282.
- For relief of Lafayette Cunningham, to be placed on the pension list, H. 143, p. 358.
- Appropriation of W. M. Walls, H. 179, p. 421, 1040, 1503, 1639, 1644, 2034, 2086.
- Exempt from municipal license, H. 259, p. 500, 835.
- Amend section 2024 code, H. 297, p. 546.

## CONFEDERATE SOLDIERS AND SAILORS—Continued.

For the relief of Mary Sasser, H. 381, p. 588, 1642, 2123, 2435.

Require the name of A. Williamson placed on the pension list, H. 386, p. 649.

To exempt from taxation all property, H. 483, p. 888, 1028.

~~For the relief of C. M. Caldwell, H. 535, p. 372.~~

Widow of James Snow, H. 658, p. 1359, 1503, 1853, 1917, 2216, 2260.

Widow of T. B. Wise, H. 659, p. 1359, 1503, 1853, 1917, 2216, 2260.

Exempt from municipal taxes as to dentist, physicians, and lawyers, H. 664, 1409, 1437.

Exempt from special tax practice medicine or surgery, H. 665, p. 1409, 2003.

Place J. W. Moore on the pension list, S. 332, p. 1454, 2666.

Relief of J. D. Cromer, S. 330, p. 1513, 1716.

Provide for examination, pension roll, books and records of officers, H. 707, p. 1560, 2066.

Free transportation for next reunion, H. 760, p. 1721.

Allow John C. Hollensworth fish Coosa river, H. 800, p. 1950.

Place name of Keday on roll, H. 806, p. 1960, 2054, 2232, 2547.

Provide pensions, payment and regulation, S. 245, p. 2261.

## CONTRACTS—

To authorize the making of contracts for the sale or manufacture of commercial fertilizer, S. 143, p. 613, 830.

Provide for punishment entering into contracts for performance of services, H. 389, p. 649, 874, 925, 1275, 1327.

## CONVICTS—

To provide the continuation, present method of employing, supervising and guarding, H. 70, p. 179, 738, 1379, 1389.

## CONVICTS—Continued.

To work convicts of Morgan County on road, H. 258, p. 499,  
584, 1378.

Provide for the management, hire and control, H. 270, p.  
524, 1875.

For hiring out in Franklin County, H. 553, p. 1031, 1878.

Provide for extra services under board of inspection, H. 729,  
p. 1612, 1683.

## COOSA COUNTY—

Time for holding circuit court, H. 399, p. 676, 875, 939, 998,  
1727, 1728, 2004, 2087.

Transfer fine and forfeiture fund, H. 457, p. 796, 1022, 1116,  
1100, 1275, 1327.

Authorize commissioners to buy mules, H. 458, p. 796, 1069,  
1245, 1274, 1519, 1520.

## COMMERCIAL FEEDING STUFF—

Regulate the manufacture and sale, S. 28, p. 667, 1106, 1202,  
1247, 1427; H. 35, p. 147, 833, 1461.

Regulate and define, filler in feeding stuff, and penalty, S.  
92, p. 1856.

## COMMERCIAL FERTILIZER—

(See Fertilizer.)

## COLLECTORS—TAX—

(See taxes and taxation.)

## COMMITTEES—

R. 59, p. 307; H. R. 26, p. 50; H. R. 30, p. 50; Return H. R.  
78, 79, 80, p. 1350.

## COMMITTEES STANDING—

S. J. R. 14, p. 395; H. R. 62, p. 1036; announcement of,  
P. 117-124.

## COMMITTEES, JOINT—

Appointment of standing, p. 21; report of rules committee, p. 103-115.

## COMMITTEES, SPECIAL—

Examined books of State Auditor, p. 1465.

## CONFESSIONS—

To prohibit admission of evidence and confessions, by defendants, H. 103, p. 269; H. 560, p. 1316, 1032.

## CONSTITUTION—

(See amendment to Constitution.)

## COFFEE COUNTY—

To repeal the county court, H. 74, p. 269.

Regulate fine and forfeiture fund, H. 182, p. 424, 522, 695, 703, 1392, 1426.

Repeal and establish county court, H. 183, p. 426, 520, 653, 956, 671, 780, 791, 1001, 1009.

## COLBERT COUNTY—

Close and abandon certain streets, H. 177, p. 412, 520, 1317, 1474, 1530, 1808.

Regulate the county court, H. 178, p. 418, 661, 671, 778, 791.

## COAL—

Regulate the mining, H. 431, p. 724, 1222, 2342, 2431, 2658.

## CONVEYANCES—

Require manufacturers, or other conveyances, specifically describe the property, H. 248, p. 495, 1874.

## COMMISSION FORM OF GOVERNMENT—

Provide and create, H. 112, p. 290, 588, 894, 1004, 1083, 1728, 1821, 1157, 1247, 1278, 1377, 1595, 1637, 1911, 2141; S. J.

COMMISSION FORM OF GOVERNMENT—Continued.

R. 14, p. 307; H. 323, p. 571, 585, 657, 670, 1736, 1823, 2093, 2148, 2209, 2218, 2277, 2554.

Provide and create authorize adoption, S. 341, p. 1714, 1837, 1573, 2000, 2210, 2407; S. 208, p. 1112, 1715, 2577, 2585, 2616, 2635, 2700, 2717.

COMMISSIONER OF AGRICULTURE—

Create a board under his control, H. 485, p. 840, 1508.

Deliver to the Read Phosphate Co., Nashville, H. 793, p. 1879, 2058; S. 473, p. 2334, 2340, 2728, 2737.

COMMERCE AND COMMON CARRIERS—

To sell unclaimed freight, H. 435, p. 737, 832, 2435.

Prohibit the sale of goods on public roads, S. 162, p. 1042, 2736.

Safe transportation of explosive articles, H. 595, p. 1168, S. 131, p. 1367, 1505, 2493, 2573.

Liability of common carriers, H. 380, p. 648, 1406.

Reduced fares of policeman and fireman, S. 358, p. 2142, 2198, 2724, 2739.

COUNTIES—

To appoint officers, fix compensation, enforce prevention of cruelty to animals, H. 125, p. 292, 739, 758.

Fix compensation of sheriffs, H. 778, p. 1787, 1860.

COUNTY TREASURER—

Duties of, H. 15, p. 144.

Abolish the office of county treasurer, Dallas, H. 138, p. 298, 532, 490, 542, 778, 790.

Abolish the office of, H. 377, p. 647, 561, 1033, 1119, 1876, 202, 2271.

Provide for office of, and prescribe duties, H. 243, p. 494, 521, 632, 739, 1331, 1366, 2658, 2752.



## COUNTY COMMISSIONERS—

(See Board of Revenue.)

## COURT OF APPEALS—

For establishment, H. 117, p. 1055, 1239, 1256, 1420, 1422, 1424, 1460.

To establish court, H. 576, p. 1090, 1876; S. 421, p. 1910, 2052, 2319, 2426, 2442.

Provide for the publication of reports, S. 420, p. 1910, 1951.

Regulate appeals and terms of court, S. 112, p. 1910.

## CORPORATIONS—

For the relief of corporations, refund tax, H. 379, p. 648  
H. 400, p. 676.

Engaging business, insuring or guaranteeing titles, H. 451,  
p. 769, 1145, 1877.

Provide manner of selling property of privates, S. 176, p.  
1108, 1316, 2473, 2502, 2522, 2615, 2704.

Provide for disposition of educational property, H. 709, p. 1560,  
1864; S. 400, p. 2031, 2061, 2331, 2408.

## COTTON—

To prohibit the transportation of cotton seed from boll weevil  
district; H. 184, p. 432, 521, 633, 915, 1200, 1223, 2111;  
H. 144, p. 2198.

Regulate the ginning, bailing and tagging, H. 310, p. 558, 833.

## COURTS—

Establish inferior court, Montgomery Co., H. 46, p. 154, 179,  
265, 393, 396.

Provide for the appointment of stenographer, H. 76, p. 275,  
354.

To fix the compensation of bailiffs in court of records. H. 140,  
p. 300, 490, 536, 542, 1227, 1276, 1277.

COURTS—Continued.

- Provide for the exoneration of bail from records and municipal courts, H. 162, p. 388, 1119.
- Confer exclusive jurisdiction chancery to try and determine contests in probate elections, H. 171, p. 392, 584.
- Effect of general issue detinue suits, H. 39, p. 457, 471, 809, 869, 886, 888, 911.
- Authorize judges probate, make condensed record, registered electors, H. 148, p. 646, 360.
- Permit judges, express opinion of evidence in charges to jury, H. 388, p. 649.
- Fix salary of judge, 15th circuit, H. 539, p. 979, 1220, 1483, 1518, 2485.
- Regulate practice in civil cases, H. 598, p. 1170, 2063.
- Fix salaries, judges law and equity court, H. 695, p. 1547.
- Fix time of holding court certain counties, S. 409, p. 1668, 1860, 2111, 2140.
- Time of holding court causes pending, S. 331, p. 1323, 1711, 1844, 2002.
- Fix compensation of sheriffs county courts, H. 778, p. 1787, 1860.

COURTS CIRCUIT—

- Provide for the appointment of a stenographer, H. 76, p. 275, 473, 483, 809, 869.
- For the payment of clerks while attending courts, H. 260, p. 500, 1874.
- Further regulate the practice in criminal cases, H. 558, p. 1032, 1118.
- Authorize the dispense drawing, empannelling grand and petit jurors, S. 403, p. 1724, 2178.

## COURTS CHANCERY—

Effect of decree under validity of will, H. 232, p. 467, 1712.

Regulate administering of estate S. 7, p., 543, 917, 2718, 2725, 2736.

Exclusive jurisdiction try contests to the probate office, H. 171, p. 392, 584.

Create the Western Chancery division, H. 795, p. 1879, 2063.

Regulate time for taking further proceedings, S. 73, p. 2035, 2061.

Authorize correction of mis-description in lands, S. 309, p. 2290, 2340.

Fix time and place of holding court, H. 723, p. 1572, 1869, 2454, 2755.

Authorize suits, erroneous claims, chancery, S. 79, p. 872, 2052.

## COVINGTON COUNTY—

Establish board of revenue, H. 541, p. 992, 1220, 1828, 1919, 2216, 2260.

Repeal act establishing city court, H. 773, p. 1779, 2755.

Establish inferior court, Andalusia, H. 773, p. 1779, 2060, 2224, 2610.

Establish Andalusia city court, H. 774, p. 1781, 2060, 2444, 2609, 2752.

## CRANFORD—

Bills by, H. 213, p. 440; H. 417, p. 687; H. 418, p. 687; H. 437, p. 737; H. 448, p. 767; H. 495, p. 877; H. 512, p. 920; H. 633, p. 1267; H. 656, p. 1358; H. 657, p. 1358; H. 658, p. 1359; H. 659, p. 1359; H. 714, p. 1562; H. 809, p. 1961.

## CRENSHAW COUNTY—

Amend 1632 of code H. 302, p. 552, 585.

Establish board of revenue, H. 333, p. 590, 1506.

## CRENSHAW COUNTY—Continued.

- Require county commissioners buy blood hounds, etc., H. 736,  
p. 1616, 1866, 2131, 2202, 2434, 2443.
- Change the boundary lines between Montgomery, H. 738, p.  
1617, 1952.
- Require persons subject to road duty, to work same, S. 380,  
p. 1724, 1867.
- Authorize clerk to hire deputy, S. 250, p. 1867.
- Manner of election of county commissioners, terms of office,  
etc., H. 805, p. 1959, 2055, 2238, 2499, 2749.
- Time, place of assessing taxes, S. 426, p. 2038, 2244.

## CRIMINAL BILLS--

- Define crime of burglary, and prescribe the punishment, H.  
129, p. 293, 355, 506.
- Issuing of bank checks, when not sufficient funds, S. 6, p.  
508, 739, 1053, 1107.
- A crime to make one confess, H. 294, p. 513, 1875.
- Prohibit the import of women for immoral purposes, H. 313,  
p. 559.
- Regulate the attendance of children at school, etc, H. 329,  
p. 588.
- Provide for persons entering into contracts, H. 389, p. 649,  
925, 874, 998, 1275, 1327.
- Public drinking on R. R. street cars a misdemeanor, H. 426, p.  
715, 1435, 2206, 2427.
- Crime to sell tickets persons intoxicated, H. 427, p. 715.
- Fix the punishment, assault intent to rape, H. 498, p. 879,  
916, 1210, 1224.
- Unlawful to engage in gift enterprise, H. 441, p. 764.
- Regulate child labor, H. 526, p. 970.
- Provide for the recording of decrees, etc., failure, H. 528, p.  
971.

## CRIMINAL BILLS—Continued.

- Cutting or carrying away certain flowers from lands of another misdemeanor, H. 99, p. 286, 1071.
- Establish a board, provide examination, and penalty, H. 571, p. 1077.
- For stock law district and penalties, H. 594, p. 1168.
- Provide for candidates for officers, and expense in race, H. 599, p. 1170.
- Who entitled instruction public school and penalty, S. 104, p. 1183.
- Establish the office of guardian ad litem, certain counties, and penalty, H. 645, p. 1321, 1517, 1754, 1757, 1810.
- Appointment of person, preservation of gas, etc., S. 323, 1323, 1716, 2499, 2519, 2542, 2743.
- Lobbying at the capitol, for against any bill, etc., H. 675, p. 1442, 1717.
- Duties of Telegraph and Cable Co., H. 676, p. 1442, 1717.
- Failure of commissioners to make report, H. 685, p. 1448, 1672.
- Regulation of transportation of explosive articles, S. 131, p. 1367, 1505, 2493.
- Further protection of oyster reefs, H. 698, p. 1552.
- Provide for working certain roads, Mobile Co., and city, H. 706, p. 1558.
- Kind of oil to be used mine, H. 754, p. 1718.
- Failure to work roads Crenshaw Co., S. 380, p. 1724.
- Prohibit the taking of note, patent right, unless stated, S. 319, p. 1749, and 1864.
- Regulate, define, what is known as filler, commercial fertilizer S. 92, p. 1856, 2058.
- Location of hospitals, sick and wounded, S. 397, p. 1857, 1864, 2712, 2738.
- Prevent trains from being wrecked, H. 278, p. 527, 1502, 2013, 2462, 2483.

CULLMAN COUNTY—

Establish law and equity ct., H. 100, p. 286, 874, 940, 998, 1035.  
 Repeal act, conferring additional jurisdiction on Cullman ct.,  
 H. 181, p. 422, 521, 853, 871.  
 Regulate the sale of lager beer, etc., H. 274, p. 525, 1708.  
 Transfer business circuit ct., law and equity, H. 305, p. 554,  
 875, 951.  
 Detach Cullman from 8th circuit, H. 306, p. 555, 875, 952, 999.  
 Transfer of cases on jury docket, law and equity ct., H. 307,  
 p. 557, 875, 1476, 1517.  
 Prescribe duties tax assessors and collectors, H. 424, p. 706,  
 760, 1054, 1081, 1727, 1728.

DALE COUNTY—

Define corporate limits, Arifton, S. 314, p. 1514, 1714, 1840, 2002.  
 Establish high school at Ozark, H. 768, p. 1775, 1866, 2126,  
 2202, 2427, 2616, 2754, 2595.  
 Abolish the office county treasurer, H. 138, p. 298, 490, 532,  
 542, 778, 790.

DARDEN—

Bills by; H. 743, p. 1676; H. 754, p. 1719; H. 755, p. 1720; H.  
 8 p. 134; H. 92, p. 284; H. 214, p. 440; H. 215, p. 441; H.  
 249, p. 495; H. 270, p. 524; H. 355, p. 598; H. R. 41, p.  
 641; H. 319, p. 675; H. 477, p. 835; H. 478, p. 836; H. 504,  
 p. 882; H. 554, p. 1031; H. 555, p. 1032

DEEDS—

Fix time when mortgages, deeds of trust, etc., presumed sat-  
 isfied, H. 29, p. 146, 357.  
 Provide for deed or mortgage, conveyance signed by officers  
 of corporations to be self-proving, H. 124, p. 292, 355, 476, 483,  
 809, 896.

## DEEDS, CONTINUED—

Fix way of satisfying records on real property, H. 224, p. 466, 1071; S. 242, p. 2035, 2067.

Prohibit sale of mtgs. at private sale, and how may be done, H. 272, p. 525.

Regulate foreclosure of mtgs., H. 286, p. 528.

For the reformation of deeds, etc., H. 300 p. 552, 874, 1199, 1224, 2110, 2199.

Regulating the cancelling of deeds, H. 491, p. 876, 917, 1081, 1058.

Provide manner of conveying lands under mtg. sale, H. 564, p. 1035.

Recording of copies of deeds, evidence, S. 270, p., 1183, 2468.

Legalize, make effective, acknowledgments, not time required, H. 823, p. 2179, 2340.

## DEKALB COUNTY—

Better system of roads, H. 801, p. 1955, 2061, 2229, 2547, 2749.

## DENTISTS—

Provide for and regulate licensing, H. 215, p. 438, 586, 931, S. 99, p. 728; H. 502, p. 998; H. 205, p. 1350, 1378, 1522, 1636, 1667.

Exempt, Ex-Confederate soldiers, dentists, from taxes, municipal, H. 664, p. 1409, 1437.

## DENNIS—

Bills by; H. 677, p. 1442; H. 812, p. 1963; H. 813, p. 1964; H. 814, p. 1966; H. 815, p. 1967; H. 816, p. 1970.

## DISPENSARIES—

(See Liquor.)

## DOGS—

Impose tax, H. 43, p. 148; 831; p. 443; S. 765; H. 44, p. 149, 579, 785, 792.

Provide for a state kennel, control, etc., H. 492, p. 876.

## DOSWELL—

Bills by; H. 266, p. 501; H. 267, p. 501; H. 359, p. 698; H. 360, p. 598; H. 360, p. 598; H. 361, p. 598; H. 401, p. 676.

## EASTIS—

Bills by; H. R. 25, p. 602; H. 375, p. 617; H. 440, p. 764; H. 524, p. 968; H. 630, p. 1266; H. 631, p. 1266; H. 662, p. 1360; H. 769, p. 1777.

## EDMONDS—

Bills by, H. 534, p. 974; H. 72, p. 1439.

## DAYS OF SESSION—

Day.	Pages.
1 -----	1-16
2 -----	16-74
3 -----	74-98
4 -----	98-123
5 -----	123-176
6 -----	176-185
7 -----	185-278
8 -----	278-304
9 -----	304-402
10 -----	402-453
11 -----	453-480
12 -----	480-502
13 -----	502-539
14 -----	539-576



## DAYS OF SESSION—Continued.

Day	Pages.
15 -----	576-610
16 -----	610-639
17 -----	639-668
18 -----	668-701
19 -----	<del>701-727</del>
20 -----	727-758
21 -----	758-788
22 -----	788-807
23 -----	807-867
24 -----	867-904
25 -----	904-953
26 -----	953-1020
27 -----	1020-1062
28 -----	1062-1114
29 -----	1114-1161
30 -----	1161-1215
31 -----	1215-1254
32 -----	1254-1312
33 -----	1312-1351
34 -----	1351-1403
35 -----	1403-1429
36 -----	1429-1497
37 -----	1497-1539
38 -----	1539-1602
39 -----	1602-1664
40 -----	1664-1706
41 -----	1706-1768
42 -----	1768-1858
43 -----	1858-1948
44 -----	1948-2049

DAYS OF SESSION—Continued.

Day.	Pages.
45 -----	2049-2175
46 -----	2175-2242
47 -----	2242-2336
48 -----	2336-2465
49 -----	2465-2586
50 -----	2586-2760

EDUCATION—

Exempt graduates of normal colleges from standing examinations, H. 157, p. 383.

Further regulate educational institutes, H. 204, p. 438, 1083, 1204.

Fix compensation of Co. Supt., education, H. 244. p. 494, 738, 1228, 1234, 1273, 3200, 2386; S. 29, p. 515 521, 523.

Regulate the attendance of children at school, H. 329, p. 588, 915.

Create a board of trustees for normal school, H. 407, p. 677.

Empower patrons, nominate teachers, district schools, approved by education board, H. 518, p. 957.

Chairman board education, participate election of county school trustee, H. 661, p. 1260, 1605.

Authorize Supt. sell certain lands Limestone Co., H. 756 p. 1720, 1864; S. 437, p. 2027, 2060, 2470, 2523.

EDUCATIONAL COMMISSION—

Create and provide for, H. 824 p. 2246.

ELECTIONS—

Return of elections of governor, H. R. 7, p. 72.

Return of elections, p. 84-97.

Amend sections 3 and 5, H. 66, p. 173, 354, 752, 579, 1350, 1378, 1597, 1635.

**ELECTIONS—Continued.**

Of U. S. senator, p. 264.

In precincts having more than 600 voters, H. 105, p. 289, 1608.

Further regulate elections, H. 357, p. 598, 1608, 2397.

Authorize appeal from commissioners et., refusing orders for elections, H. 397, p. 676, 1068.

Regulate elections, H. 416, p. 687, 1608; S. 46. 690, 1683.

Regulate the giving and voting of proxies, H. 418, p. 687, 1608.

For enrolling clerk, page, 843.

Regulate stock law and provide penalties, H. 594, p. 1168, 1256.

Regulate primary elections, H. 346, p. 595, 1608, 2264, 2547, 2629, 2639, 2700, 2749.

Prevent corruption in elections H. 348, p. 596, 1609.

Prohibit federal officers serving as member of political committee, S. 259. p.

Provide for elections as to liquor, H. 783, p. 1791, 1862.

**ELMORE COUNTY—**

Showing receipts, disbursements of cities and towns, H. 60. p. 166.

Publish minutes proceedings of Co., compensation therefor, H. 61, p. 168.

Require board of education publish minutes, H. 62, p. 280, 170, 400, 408; H. 61, p. 280, 399, 408, 580, 581; H. 60, p. 280, 398, 408 579 581.

Provide for elections as to dispensaries S. 329, p. 1805, 1863.

**ESCAMBIA COUNTY—**

Better provide for keeping repairs public roads, H. 780, p. 1788, 1950; S. 455, p. 2036, 2061, 2727, 2738.

For working of convicts, H. 781, p. 1789, 1953.

**ETOWAH COUNTY—**

- Declare jurisdiction city court Gadsden, H. 543, p. 994, 1023, 1098, 1116; S. 307, p. 1288, 1705, 1728, 1812, 1903, 1931.
- Create the office of stenographer, H. 544, p. 595, 1220, 1328, 1519, 1521.
- Authorize appropriation money stock raising, H. 575, p. 1079, 1501.
- Create associate judge city court; H. 730, p. 1612, 1868.
- Establish inferior ct., Atalla, H. 762, p. 1721, 1866, 2115.

**EVIDENCE—**

- Compare disputed writings, H. 201, p. 437, 1435.
- Prohibit admission of confessions, H. 560, p. 1032, 1316; H. 103, p. 269; H. 560, p. 1313, 1032.
- Certified copies of deeds, admissible, certain instances, S. 270, 1183, 2468.
- Authorize introduction, evidence, documents by state prior, 1870, S. 285, p. 1288, 1713, 1924, 2000.
- Permit husband wife testify for against, criminal cases, S. 346, p. 2032, 2051.

**FAYETTE COUNTY—**

- Provide election of county commissioner, S. 66, p. 691, 832, 941, 1000.
- Return misdemeanor cases from Co., Ct., to circuit, H. 489, p. 841, 1671.
- Regulate fine and forfeiture fund, H. 501, p. 879, 1221, 1348, 1366, 1808, 1809.
- Provide for the trial of misdemeanors, S. 275, p. 1141, 1476, 1518.
- More efficient roads and bridges, S. 375, p. 1903, 2055, 2229, 2262, 2407.

## FEEDING STUFFS—

Provide for and regulate mfg., and sale, H. 35, p. 147; S. 28, p. 667, 831, 1106.

## FEES—

Disposition witness, have not been paid, H. 240, p. 469, 646;

~~S. 118, p., 1180, 1713, 1180, 2100, 2108.~~

Constables, same as sheriffs, performing same duties, H. 667, p. 1411 1713, 2547, 2553, 2621, 2754.

Regulate fees of sheriff, feeding prisoners, H. 759, p. 1721; S. 431, p., 2039, 2059, 2446, 2456.

## FERTILIZERS—

Authorize sale commercial, S. 144, p. 690, 831, 2556, 2743.

Regulate and define the filler, S. 143, p. 830, 613; S. 92, p. 1856, 2058.

## FISH—

(See Game.)

## FIRES—

Provide for the investigation, H. 510, p. 919, 1025, 1201, 1224, 2568, 2747.

## FIRE COMPANIES—

Exempt members poll tax, H. 393, p. 675, 1025, 1150, 1179.

## FORESTS—

Cutting, carrying away flowers, misdemeanor, H. 99, p. 1071.

Protection and establish commission, H. 763, p. 1771, 2065.

## FOWKLES—

Bills by; H. 101, p. 288; H. 184, p. 432; H. 400, p. 676; H. 459, p. 799; H. R. 56; H. 602, p. 1178; H. 731, p. 1613.

## FRANKLIN COUNTY—

Establish inferior Ct., S. 297, p. 1181, 1878.

For the registration judgments ,execution on, S. 300, p. 1182,  
2467, 2643, 2736.

Provide for the public roads, H. 750, p. 1718, 1866, 2130.

Authorize Russellville make contracts, hiring out convicts,  
H. 553, p. 1031.

Better construction Public roads, H. 700, p., 1552, 1673, 1843,  
1982; H. 701, p. 1553, 1672, 1843, 1982, 2463, 2486.

## FLANAGAN—

Bills by; H. 613, p. 1217; H. 614, p. 1218; H. 663, p. 1363.

## FRANCHISES—

(See taxes and taxation.)

## FAIRS—STATE AND COUNTY—

Encourage holding, and appropriations, H. 408, p. 667, 1543; S.  
112. p. 1901, 1951, 2437, 2497.

Regulate conducting races, at H. 637, p. 1317, 1500; S. 360, p.  
2034, 2051.

## FUQUAY—

Bills by; H. 59, p. 166; H. 71, p. 180; H. 90, p. 227; H. 168,  
p. 389; H. R. 26; p. 452; H. J. R. 33, p. 541; H. 326, p.  
572; H. 327, p. 592; H. 352, p. 597; H. 351, p. 597; H. 451,  
p. 769; H. J. R. 52, p. 906; H. R. 57, p. 956; H. 612. p.  
1216; H. 824, p. 2246.

## GAME LAWS—

Fish and forestry preservation, H. 6, p. 134; H. 7, p. 134.

For the preservation of fish, oysters, etc., H. 291, p. 530, 1674,  
2138, 2435, 2545, 2746.

## GAME LAWS—Continued.

To prevent the catching of fish, H. 429, p. 724, 1505, 1832, 1918, 2289, 2307.

For the preservation of fish, H. 520, p. 957, 2066.

For the further protection of oysters and fish, H. 698, p. 1552; H. 291, p. 2138, 2562.

~~Confer jurisdiction upon J. P., violation, S. 376, p. 1688, 2058, 2575, 2744.~~

For the better enforcement of game laws, appoint deputy wardens; S. 337, p. 168, 2058.

Protection of forestry and establish commission, H. 763, p. 1771.

For the protection of the oyster commission and appropriation, S. 359, p. 2333, 2342, 2391, 2624, 2704.

## GIRLS INDUSTRIAL SCHOOL—

(See schools and colleges.)

## GOODS—

(See Merchandise.)

## GOVERNOR'S MESSAGES—

Pages 22-71.

For pardons, p. 129.

Provide for a revenue bill, p. 724.

Raising of a commission to look into Nisi Prius court, p. 1128.

Provide for extra help in office, p. 715, 1117.

Message from, p. 309, 2277.

Attention that no revenue bill can be passed last five days legislature, p. 1331.

Returning H. 151, 1128.

Returning H. 112, for amendment, p. 1247, 1595.

## GOVERNOR'S MESSAGES—Continued.

Returning H. 205, p. 1522.

Returning H. 66, p. 1597.

Returning H. 691, p. 1683.

## GREENE—

Bills by H. 63, p. 172; H. 764, p. 1771.

## GREENVILLE—

Alter, re-arrange boundary lines, H. 9, p. 134, 918, 1145, 1180,  
1275, 1326.

Authorize city buy and sell liquor, H. 10, p. 1351.

## GRIFFITH—

Bills by; H. 100, p. 285; H. 181, p. 422; H. 274, p. 525; H.  
305, p. 555; H. 306, p. 555; H. 307, p. 557; H. 424, p. 706;  
H. 548, p. 1030; H. R. 61, p. 1035; H. 642, p. 1318.

## GREENE COUNTY—

Commissioners Ct., change boundary lines, H. 613, p. 1217,  
1501, 1622, 1900, 1912.

Prohibit liquor, H. 614, p. 1218, 1673.

Protect, exchanging of cotton seed, H. 663, p. 1363, 1501, 1640,  
1644, 1888, 1889, 1931.

## GOVERNOR—

To rent office downtown, S. 348, p. 1910, 1950, S. 348, p.  
2473, 2497.

## HALE COUNTY—

Establish, law and equity ct., H. 452, p. 769, 830, 1056.

Create Hale law and equity ct., S. 233, p. 889, 917, 1013, 1041,  
1048, 1056, 1061, 1104.



**HALE COUNTY—Continued.**

Require solicitor to attend law and equity ct., S. 232, p. 911,  
1024, 1113, 1134.

Abolish county court Hale, S. 221, p. 912, 1024, 1156.

Provide better equipment school Moundville, S. 432, p. 1909,  
1952.

**HELMES—**

Bills by; H. 304, p. p. 554; H. 33, p. 590; H. 736 p. 1616; H.  
805, p. 1959.

**HEIRSHIP—**

Provide proceeding establish, and declare effect of such pro-  
ceeding, S. 63, p. 613, 1712.

**HENRY COUNTY—**

Appropriation for Henry Co. school, H. 401, p. 676, 1545; S.  
226, 2035, 2056.

Fix term of commissioners, S. 34, p. 1453, 1673, 1847, 2002.

**HOLLIS OF CHOCTAW—**

Bills by; H. 93, p. 284; H. 94, p. 285; H. 95, p. 286; H. 243, p.  
494; H. 244, p. 494; H. 649, p. 1356.

**HOLLIS OF WALKER—**

H. 431, p. 724; H. 483, p. 838; H. R. 108, p. 1605.

**HOTELS—**

Enforce better sanitary conditions, H. 170, p. 392, S. 87,  
p. 614, 739, 902, 1000.

**HOUSTON COUNTY—**

Change corporate limits Kinsey, H. 462, p. 799, 1023, 1100,  
1116, 1666, 1667, 1722, 1729, 1911.

## HOUSTON COUNTY—Continued.

Create a highway commission H. 523, p. 558, 1069, 1477, 1530, 2005, 1753, 1757, 1810, 2026, 2087.

Divide Houston Co. into districts, H. 556, p. 1072, 1220, 1495, 1517, 1900, 1912.

Special tax for public roads, H. 567, p. 1072, 1878.

For dispensary, H. 669, p. 1411, 1433.

## HORTON—

Bills by; H. 338, p. 592; H. 409, p. 410, 411, 678; H. 425, p. 707; H. 442, p. 764; H. 594, p. 1168; H. 689, p. 1510; H. 720, p. 1570; H. 728, p. 1611; H. 756, p. 1720; H. 757, p. 1720; H. 777, p. 1784.

## HUDDLESTON—

Bills by; H. 69, p. 166; H. 61, p. 1668; H. 62, p. 170; H. R. 21, p. 306; H. 239, p. 469; H. 335, p. 469; H. 335, p. 591; H. 820, p. 2068.

## INSANE HOSPITALS—

(See Alabama Insane Hospitals.)

## INSURANCE—

Regulate consolidation insurance Co.'s. H. 447, p. 767, 1067, 2248, 2498, 2747.

Fix basis, license fee, by municipal corporation, H. 588, p. 1123, 1163; S. 328, p. 1287, 1534.

Life insurance Co.'s organized, deposit securities equal to reserve under laws, this state, S. 191, p. 1180, 1221, 2572, 2573.

Fix amount of capital and deposit, in treasury, H. 808, p. 1961.

## JACKSON COUNTY—

Amend the present game laws, H. 336, p. 591.

## JACKSON—

Bills by; H. 121, p. 291; H. 227, p. 466; H. 254, p. 497; H. 225, p. 497; H. 254, p. 497; H. 225, p. 497; H. 486, p. 840; H. R. 95, p. 1499; H. 770, p. 1779; H. 695, p. 547; H. 824, p. 2246.

## JAMES—

Bills by; H. 203, p. 438; H. 294, p. 531; H. 551, p. 1030; H. 552, p. 1030; H. 578, p. 1080; H. 709, p. 1560; H. 744, p. 1678.

## JEFFERSON COUNTY—

Amend section 96, article 4, Constitution, so to except Jefferson Co., H. 107, p. 289, 392, 443.

Relief of Bank of Ensley, H. 150, p. 360, 1504, 2404, 2608, 2755.

Create and establish office guardian ad litem, H. 161, p. 385.

For a new county, H. J. R. 25, p. 404, 516, 602.

Constable beat 45 to appoint deputy, H. 189, p. 433, 490.

Protect deeds, mtgs., other records, H. 191, 434, 490, 607.

Fix, regulate and alter costs, charges court fees, H. 194, p. 436, 485, 582, 611, 996, 1047.

Establish board revenue, abolish Co. commissioners, H. 253, p. 495, 585, 850, 870, 1276, 1277.

Establish Inferior Ct., precinct, 29 H. 287, p. 528.

Create the office of auditor, S. 120, p. 664, 704, 943, 1057, 1107.

Establish inferior Ct., certain precincts, H. 420, p. 688, 831, 1620, 1748, 1809.

Establish juvenile Ct., S. 133, p. 690, 832, 945, 1057, 1133, S. 456, p. 2028; 2054, 2636 2704.

JEFFERSON COUNTY—Continued.

- Time of holding Ct. tenth circuit, S. 221, p., 825.
- Establish inferior Ct., precinct, 42, H. 511, p. 919, 1023, 2031.
- Annul the charter of Lipscomb, H. 524, p. 968.
- Sheriff's in Birmingham to appoint bailiffs, S. 188, p. 177, 1023, 1150, 1214.
- Establish county inspector, H. 605, p. 1172, 1877.
- Establish inferior Ct., precinct 9, H. 606, p. 1174, 1868, 2136, 2239, 2619.
- Time of holding circuit Ct., H. 630, p. 1266, 1503.
- Establish criminal court, H. 664, p. 1318.
- Inferior court, precinct 29, H. 666, p. 1409, 1868, 2113.
- Authorize revenue board, apply sanitary fund construction work, H. 680, p. 1445, 1715, 1848, 1918, 2216, 2260.
- Establish board revenue, abolish county commissioners, H. 692, p. 1510, 2063.
- Require clerk criminal court, make and keep affidavits and warrants, H. 702, p. 1554, 1672, 2112, 2307, 2386.
- Extend office senior judge, criminal Ct., S. 450, p. 2019 2053, 2529, 2574.

JENKINS OF BALDWIN—

- Bills by; H. 160, p. 364; H. 166, p. 389; H. 297; p. 546; H. 298, p. 546; H. 429, p. 724; H. 433, p. 730; H. 475, p. 835; H. 476, p. 835; H. 565, p. 1072; H. 637, p. 1317; H. 697, p. 1549; H. 698, p. 1052; H. 761, p. 1721; H. 782, p. 1791; H. 804, 1959; H. 823, p. 2179.

JENKINS OF BULLOCK—

- Bills by; H. 518, p. 957; H. 519, p. 957.

JOHNSON OF CLARKE—

- Bills by; H. 271, p. 525; H. 302, p. 252; H. 732, p. 1613.

## JOHNSON OF ELMORE—

Bills by; H. 308, p. 558; H. 367, p. 616; H. 547, p. 1032; H. 668, p. 1411.

## JOHNSON OF MARSHAL—

Bills by; H. 256, p. 497; H. 290, p. 530; H. 507, p. 882.

## JOINT RESOLUTIONS—

(See Resolutions.)

## JONES—

Bills by; H. 157, p. 383; H. 342, p. 594; H. 481, p. 837; H. 491, p. 876; H. 500, p. 879; H. 517, p. 824; H. 549, p. 1030; H. 550, p. 1030; H. 625, p. 1262; H. 821, p. 2068.

## JUDGE—

Bills by; H. 511, p. 919; H. 569, p. 1076; H. 605, p. 1172; H. 632, p. 1206; H. 645, p. 1321; H. 652, p. 1356; H. 694, p. 1513; H. 783, p. 1791; H. 797, p. 1753; H. 798, p. 1953; H. 702, p. 1554; H. 22, p. 146; H. 102, p. 288; H. 103, p. 298; H. 104, p. 289; H. 106, p. 289; H. 106, p. 289; H. 140, p. 300, H. 360; H. 161, p. 385; H. 189, p. 435; H. 225, p. 466; H. 402, p. 677; H. 403, p. 677; H. 404, p. 677.

## JUDGMENTS—

Prevent the reversal of judgments, because excessive or inadequate, H. 136, p. 298, 355, 546, 1070.

## JUDICIARY—

Authorize sale of lands for school purposes, H. 217, p. 465, 1118, 2404.

Prohibit the transportation of women for immoral purposes, H. 313, p. 559.

**JUDICIARY—Continued.**

- Time of holding court in third circuit, H. 453, p. 793, 874, 1241, 1273, 2034, 2087.
- Legalize all acknowledgments, by officers, corporations, H. 549, p. 1030, 1876.
- Provide for appeals in R. R. Cases, H. 551, p. 1030.
- For the assessment of real estate, H. 55, p. 1032, 1877.
- Provide manner of conveying lands by purchasers at own sales, H. 564, p. 1035.
- Ratify, confirm conveyances by John Billups and John Swan, S. 196, p. 1043, 1712, 2533 and 2742.
- Provide for the selection of impartial jurors, H. 632, p. 1266.
- Time of holding court in the eighth circuit, S. 286, p. 1274, 1317, 1469, 1523, 1526.
- Empower judges of several law and equity courts set down causes for trial, S. 331, p. 1323, 1711, 1844.
- Create lien on lumber sawed at a mill, H. 647, p. 1355, 1875.
- To repeal an act regulate procedure where lands sought to be condemned, S. 267, p. 1366, 2244, 2648, 2704.
- To amend an act to prescribe the qualifications of jurors, etc., H. 20, p. 144, p. 1434.
- Provide a commission to devise a uniform system of book-keeping by officials of state and county, and penalty for failure, H. 106, p. 1436.
- Prohibit the lobbying at the Capitol, for or against any bill or resolution, H. 675, p. 1442.
- Prescribe the duties of telegraph or cable companies transmitting or delivering, H. 676, p. 1442.
- Confer jurisdiction upon court for final settlement where claims, barred or not, H. 679, p. 1445.
- Fix time for holding northeastern chancery division, H. 723, p. 1572, 1869, 2454, 2069, 2755.

## JUDICIARY—

Allow women to hold office of probate clerk, H. 735, p. 1616, 1868; S. 422, p. 2035, 2052, 2558, 2744.

For payment of funds due residents, subjects of foreign countries, from sale of lands, H. 745, p. 1678, 1869; S. 425, p. 2216, 2730, 2738.

~~Incorporation of Bishop diocese, define authority, etc., H. 747, p. 1678, 2236, 2548, 2749.~~

Prohibit the sale of cigarettes or paper to minors, H. 755, p. 1720, 1876.

Prohibit the taking of notes for patent rights, unless stated in the face, S. 319, p. 1749, 1864.

Provide for reporter for the 15th circuit, S. 334, p. 1760, 2243, 2717, 2639.

Create Western Chancery Division and provide for, H. 795, p. 1879, 2063.

Render valid certain acts of J. P.'s, S. 302, p. 2244.

Authorize correction of mis-description in lands, S. 309, p. 2290, 2340.

Regulate administering estates, S. 27, p. 543, 917, 2718, 2725.

## JUNK DEALERS—

Regulate the business, H. 30, p. 145, 354, 444, 446, 455, 641, 673.

## JURORS—

Prescribe qualification and summoning, H. 4, p. 133, 1436.

Prescribe qualification of jurors, H. 27, p. 145, 1437.

Amend and prescribe qualification, H. 296, p. 531, 296, 1717; H. 20, 144, 1434.

Selection of unbiased jurors, H. 632, 1266, 1436.

Regulate the selection and drawing, H. 372, p. 616, 2318, 2567.

## JURY COMMISSIONERS—

- Provide for the appointment, H. 4, p. 133.
- Amend section 13, appointment jury commissioners, H. 27, p. 145.
- Establish a jury commission, H. 187, p. 433, 1436.
- Qualification of jurors, and repeal and establish, H. 257, p. 498, 1071.
- Repeal acts relating to Jurors, and provide for appointment of jury commissioners, H. 257, p. 498, 1071.
- Regulating the summoning of jurors and establishment of jury commissioners, H. 221, p. 455, 1436.
- To repeal acts relating to jurors and provide for the appointment of H. 266, p. 501, 1436.
- Provide for the appointment, H. 372, p. 2318, 2567, 2747.
- Prescribe the qualifications of jurors, and appointment of jury commission, S. 68, p. 1453, 1861, 2272, 2408, 2654, 2716.

## JURY LAW.

- Regulate drawing and summoning and appointment of jury commission, H. 372, p. 616, 2318, 2567, 2747.
- Amend the jury law, S. J. R. 45, p. 810, 887.

## JUSTICE OF THE PEACE—

- Regulate the practice in the state, H. 14, p. 143.
- Cost bills before, H. 15, p. 144, 283.
- Provide for jury trials, H. 308, p. 558.
- Prohibit sentencing, convicted persons of misdemeanors, to county jail, H. 703, p. 1555, 1868.
- Confer jurisdiction for game laws, S. 376, p. 1688, 2058, 2575, 2744.



## KNIGHT—

Bills by: H. 309, p. 558; H. 452, p. 769; H. 806, p. 1960.

## LABOR—

Create a State Board of Mediation, H. 144, p. 583.

## LAMAR COUNTY—

Require commissioners set apart, certificate witness, H. 785,  
p. 1794, 1868, 2435, 2202, 2464, 2487.

Repeal and regulate ex-officio fees, H. 786, p. 1796, 1867, 2128.  
2202, 2463, 2487.

Regulate fees of deputy solicitor, H. 787, p. 1798, 1867, 2150,  
2203, 2464, 2487.

Relief of Bradley, H. 788, p. 1799, 1867, 2752.

Reduce fees of probate judge, H. 789, p. 1800, 1867, 2129,  
2437, 2487.

## LANDS—

Cutting of flowers, misdemeanors, H. 99, p. 286.

Sell certain lands of the state, H. 217, p. 465.

## LANE—

Bills by: H. 33, p. 146; H. 35, p. 147; H. 34, p. 147; H. 197,  
p. 437; H. 198, p. 437; H. 408, p. 677; H. 793, p. 1879.

## LAVENDER—

Bills by: H. 73, p. 268; H. 91, p. 284; H. 242, p. 493; H. R.  
7, p. 72; H. 357, p. 598; H. 363, p. 615; H. 422, p. 705; H.  
423, p. 705; H. 490, p. 842; H. 735, p. 1616; H. 759, p.  
1721; H. 778, p. 1787; H. R. 121, p. 2246.

## LAWSON—

Bills by: H. 800, p. 1954.

## LAWRENCE COUNTY—

Regulate bequests of James Wallace, S. 29, p. 512, 617, 933,  
1057, 1107.

Board of revenue borrow money for jail, S. 458, p. 2017, 2053,  
2224, 2259.

Prohibit sale of bitters or liquors, S. 453, p. 2032.

## LEASES—

Punish any person, who procures lease fraudulently, H. 190,  
p. 434, 587.

## LEE—

Bills by; H. 421, p. 689; H. 733, p. 613.

## LEGAL HOLIDAYS—

Columbus Day, H. 430, p. 593, 875, 1058, 1081, 1227, 1276,  
1277.

## LETSON—

Bills by; H. 153, p. 365; H. 154, p. 365; H. 506, p. 882; H.  
687, p. 1509; H. 725, p. 1572; H. 737, p. 1617.

## LICENSE—

(See taxes and taxation.)

## LIS PENDENS—

Regulate, H. 230, p. 467; H. 545, p. 1029; H. 230, p. 1713.

## LEINS—

Notice of suits to enforce, H. 28, p. 146, 354, 447, 455.

In favor of persons engaged in laundry business, H. 78, p.  
275, 523.

## LIMESTONE COUNTY—

Authorize Athens operate dispensary, H. 411, p. 678, 1432.

Provide for public roads, H. 425, p. 706, 831, 942, 998, 1124, 1213, 1470.

Fix fees of ex-officio sheriffs, H. 442, p. 761, 1022, 1207, 1224, 1520.

Re-arrange the boundary of Athens, H. 582, p. 1121, 1714, 1839, 1919, 2110.

Authorize superintendent sell certain lands, R. R., H. 756, p. 1720, 1864; S. 437, p. 2027, 2060, 2470, 2523.

Authorize governor sell certain lands R. R., H. 757, p. 1720, 1864; S. 436, p. 2026, 2060, 2070, 2523.

Provide for discontinuation of dispensary at Athens, H. 777, p. 1784, 1862.

## LIVERY STABLE KEEPERS—

To protect them, H. 374, p. 617, 1071; S. 269, p. 1139, 2468.

## LIQUOR—

To authorize the city of Greenville, to buy, sell spirituous, and malt liquors, H. 10, p. 136, 1679.

To authorize the city of Montgomery to regulate the manufacture and sale of, H. 45, p. 150.

To authorize the sale, prescribe the regulation, H. 81, p. 276, 1680.

To regulate the manufacture, provide for election, etc., H. 204, p. 322, 570, 1680, 1681.

Regulate the sale of wine and lager beer for Cullman county, H. 244, p. 525, 1682.

To prohibit the towns of less than ten thousand, H. 293, p. 531, 1432.

To provide for the sale, H. 311, p. 559, 1682.

To prohibit the sale and promote temperance, H. 344, p. 594, 1679.

## LIQUOR—Continued.

- Provide better enforcement of the laws, H. 345, p. 595, 1680.
- Whether or not sale shall be legalized, H. 376, p. 617, 646, 746, 749, 754, 777, 996, 1009.
- Whether it shall be legalized, sold by dispensaries, H. 396, p. 676.
- To authorize Athens operate dispensary, H. 411, p. 678.
- Public drinking on R. R. and street cars, etc., a misdemeanor, H. 426, p. 715.
- Regulate the manufacture and sale, H. 556, p. 1032, 1679; H. 563, p. 1035.
- Prohibit the manufacture, sale or other disposition of liquors, S. 33, p. 1043, 1443; S. 35, p. 1044.
- Regulate the manufacture and sale, H. 563, p. 1034, 1067, 1228, 1284, 1330, 2181, 2196; H. 562, p. 2253, 2307.
- Prohibit election in counties where it is not prohibited to be sold, H. 572, p. 1078, 1682.
- Authorize sale in certain cities, H. 694, p. 1513, 1709.
- Provide for disposition of seized, H. 767, p. 1775, 1843.
- Further suppress evil and enforcement, H. 782, p. 1791, 1862.
- Provide for election determine sale of, H. 783, p. 1791, 1862.
- Authorize manufacture and sale in certain cities, H. 798, p. 1953.

## LOCAL LEGISLATION—

- Provide for judicial sales, St. Clair county, H. 347, p. 595, 704, 950, 999, 1276, 1277.
- To repeal an act as to section 3931, applies to certain counties, H. 574, p. 1078.
- Establish office guardian ad litem, certain counties, H. 645, p. 1321, 1408, 1475, 1754, 1757, 1810.

## LLOYD—

- Bills by; Amend section 1996, H. 794, p. 1879.

## LONG—

Bills by ; Election of officers of Representatives, p. 6, 18; adjournment of House, H. R. 9, p. 74, 134; H. 10, p. 136; H. 11, p. 142; H. R. 16, p. 175; H. 167, p. 389; H. 31, p. 504; H. 364, p. 615; H. 365, p. 616; H. 299, p. 552; H. 330, p. 588; H. 419, p. 687; H. 438, p. 761; H. 439, p. 761; H. 479, p. 836;; H. 503, p. 882; H. 536, p. 978; H. 579, p. 1120.

## LOWNDES COUNTY—

Reimbursement of G. E. Gordan, H. 811, p. 1963, 2056, 2221.

## LUMPKIN—

Bills by ; H. 144, p. 359; H. 176, p. 412.

## MARDI GRAS—

To establish day, H. 200, p. 437, 584, 859, 871, 1667.

## MACON COUNTY—

For the construction and better roads, H. 151, p. 362, 522, 634, 670, 1135, 1157,, 1203.

## MADISON COUNTY—

Construction, and working public roads, S. 311, p. 1290, 1500, 1641, 1723.

Prohibit sale of liquor, S. 305, p. 1323, 1433.

Establish dispensary, Huntsville, S. 304, p. 1367, 1433, 2511.

Establish inferior court, lieu justice peace, Huntsville, S. 434, p. 1892, 1951, 2087, 2147.

Amend law and equity court, S. 433, p. 1899, 1951.

## MARENGO COUNTY—

Amendment for law and equity court, increase salary, H. 142, p. 300; H. 468, p. 801, 874, 1888, 1931; H. 142, p. 875, 938, 1156, 1160, 1179.

**MARENGO COUNTY—Continued.**

- Create the office of court reporter, S. 230, p. 914, 1024, 1478, 1519, 1668, 1729.
- Amendment for law and equity court, section 5 of act, H. 538, p. 1023, 1243, 1274, 1726, 1811, 1892, 1931.
- Provide for compensation of State witnesses, H. 715, p. 1563, 1672.
- Clerk of Circuit court shall be clerk of law and equity, H. 716, p. 1564, 1672.
- Dispense with grand juries in circuit court, H. 717, p. 1565, 1672.
- Dispose of fine and forfeiture fund for other payment, H. 718, p. 1566, 1672.
- To detach Marengo from first circuit, H. 719, p. 1567, 1671.
- Extend the corporate limits of Linden, H. 734, p. 1615, 1714, 1851, 1917.
- Impose tax on dogs, H. 739, p. 1619, 1866, 2225, 2549, 2748.
- Authorize treasurer transfer money general fund, H. 753, p. 1718, 1770, 2253.
- Amend law and equity court, S. 388, p. 1725, 1860.

**MARSHALL COUNTY—**

- Provide for the holding of court, H. 256, p. 497, 916, 1159, 1180.

**MARTIN OF CALHOUN—**

- Bills by; H. 65, p. 173; H. 165, p. 388; H. 301, p. 552; H. 502, p. 881; H. 559, p. 1032; H. 561, p. 1033.

**MARTIN OF JACKSON—**

- Bills by; H. 70, p. 179; H. 379, p. 648; H. 380, p. 648; H. R. 54, p. 906; H. 610, p. 1179.

**MASTERS AND EMPLOYEES—**

Creating and defining liability, H. 479, p. 837.

**MASTIN—**

Bills by; p. 13, H. R. 3, p. 73; H. 43, p. 148; H. 44, p. 148;  
H. 443, p. 765; H. 454, p. 793; H. 463, p. 800; H. R. 48,  
p. 873.

**MATHEWS—**

Bills by; H. 14, p. 143; H. 15, p. 144; H. 303, p. 552; H. 455,  
p. 793.

**MERRILL—**

Bills by; H. 329, p. 588; H. 497, p. 879; H. 489, p. 879; H. 508,  
p. 918; H. 509, p. 918.

**MERCHANDISE—**

To regulate the sales, H. 128, p. 293, 355, 478, 519, 655; H.  
128, p. 670, 1227, 1240, 1277.  
Prohibit the sale or offering for sale goods upon the public  
property of another, H. 162, p. 1042, 1407, 2649, 2703.

**MERRITT—**

Bills by; H. J. R. 5, organization, p. 20; H. 150, p. 362; H.  
152, p. 363; H. 525, p. 970; H. 560, p. 1032; H. R. 91, p.  
1431; H. 670, p. 1437.

**MESSAGE FROM THE GOVERNOR—**

(See Governor's message.)

**MILITARY—**

(See Alabama National Guards.)

## MILLER—

Bills by; H. 196, p. 436; H. 226, p. 466; H. 268, p. 501; H. 369, p. 616; H. 370, p. 616; H. 371, p. 616; H. 405, p. 677; H. 406, p. 677; H. 432, p. 724; H. 487, p. 841; H. 505, p. 882; H. 572, p. 1078; H. 772, p. 1779; H. 785, p. 1794; H. 786, p. 1796; H. 787, p. 1789; H. 788, p. 1788; H. 789, p. 1800; H. 795, p. 1879.

## MINORS—

Prohibit the sale of cigarettes or paper to minors, H. 755, p. 1720, 1875.

## MISDEMEANORS—

Regulate making arrests, H. 26, p. 519, 699, 715.  
To provide for prosecuting for misdemeanors in Tallapoosa county, H. 55, p. 163.  
Cutting of flowers, H. 99, p. 286.  
To further regulate arrest, H. 188, p. 433; H. 99, p. 1071.

## MOBILE CITY—

Permit playing base ball on Sunday, H. 602, p. 1171, 1316, 1479, 1517, 1748, 1810.  
Provide for working for certain streets, H. 706, p. 1558.  
Establish inferior civil court in the city, H. 766, p. 1772, 1863, 2116, 2464, 2486.  
Authorize to convey lands to United States, H. 784, p. 1792, 2059, 2235, 2548, 2576.

## MOBILE COUNTY—

To provide for deputy clerk of city court, H. 68, p. 173, p. 354, 458, p. 471, 780, 790.  
To create the office of assistant solicitor, H. 155, p. 365, 584, 662, 671, 780, 790.



## MOBILE COUNTY—Continued.

- To make it unlawful for the sale of liquor, H. 156, p. 368, 1710.
- To abolish the inferior court, H. 314, p. 559.
- To establish inferior court, H. 315, p. 561.
- To provide for stenographer for inferior court, H. 316, p. 567.
- To allow the board of revenue to borrow money, H. 339, p. 592.
- Provide for stenographer for law and equity court, H. 317, p. 567, 916, 1014, 1041, 1092, 1392, 1394, 1427.
- Aid public schools of Mobile county, H. 621, p. 1258, 1434, 1848, 1919, 2110, 2199.
- School board to become indebted for maintenance, H. 622, p. 1260, 1434, 1845, 1918, 2114, 2199.
- To make appropriation from funds in treasury for schools, H. 623, p. 1261, 1434, 1835, 1918, 2110, 2199.
- Provide for purchase of stationery of officers, H. 705, p. 1555, 1711, 1833, 1983, 2463, 2486.
- Provide for the working of roads, and Mobile City, H. 706, p. 1558, 1711, 1846, 1982, 2463, 2486.
- To create the office of deputy coroner, H. 790, p. 1878, 2179.

## MINING AND MANUFACTURING—

- Provide, regulate the quality of oil to be used in mines, coal and ore, H. 754, p. 1718.
- Regulate the mining of coal, H. 431, p. 724, 1222, 2342, 2431, 2658.

## MOVING PICTURES—

- To prevent showing of certain pictures, H. 731, p. 1562, 1680.

## MONROE COUNTY—

- To establish law and equity court, H. 514, p. 922, 1026, 1113, 1124, 1179, 1426, 1456.

## MONROE COUNTY—Continued.

- To provide for trial fees cases commenced in circuit court,  
H. 517, p. 924, 1506.
- Additional jurisdiction upon the county court, H. 625, p. 1262,  
1408, 1481, 1518, 1901, 1912.

## MONTGOMERY COUNTY—

- Taxes on dogs, H. 43, p. 148.
- To authorize the sale and manufacture of liquor in the city  
of Montgomery, H. 45, p. 150; H. 130, p. 293, 1433, 1680.
- Establish inferior court in precincts 2, 3, 4, 5, 6, 7, H. 46, p.  
154, 179, 265, 393, 396.
- For pavement of certain streets in the city of Montgomery,  
H. 216, p. 441, 1503, 1850, 1917, 2289, 2307.
- To increase the salary of the solicitor, S. 45, p. 509, 585, 860,  
892, 1089, 1148, 1214.
- Abolish county court Montgomery county, H. 319, p. 568, 760,  
948, 999, 2289, 2307.
- To create office of assistant solicitor of Montgomery, H. 321,  
p. 569, 585, 860, 871, 2437, 2483, 2641, 2732, 2752.
- Authorize the board of revenue to retain attorney, H. 527, p.  
970, 1221, 1349, 1366, 1900, 1911.
- To fix salary of the judge of the fifteenth circuit, H. 539, p.  
979, 1220, 1483, 1518, 2485, 1517, 2436.
- Provide for the fees of tax assessor, S. 219, p. 1005, 1221, 1482,  
1519, 1814.
- Taxes on dogs, H. 443, p. 765, 1022, 1534, 1573.
- Appointment of official bailiff city and circuit courts, S. 164,  
p. 1321, 1501, 1826, 2001.
- To increase salary of solicitor, S. 370, p. 1496, 1671, 1765,  
1981.
- Provide for appointment by sheriff assistant night jailor, S.  
369, p. 1515, 1673, 2335, 2197.

## MONTGOMERY COUNTY—Continued.

Regulate the sale of liquor in the city of Montgomery, S. 379, p. 1575, 1710.

To require tax collector to keep record showing voters paid poll tax, H. 726, p. 1610, 18, 68, 2125, 2463, 2486.

To change the boundary lines between Montgomery county and Crenshaw, H. 733, p. 1617, 1952.

Compensation of board of revenue, H. 803, p. 1957.

Provide for the further of colored schools, H. 358, p. 1542, 2082, 2083, 2435, 2443, 2515, 2541, 2747.

Fix salary of treasurer, S. 439, p. 2245, 2281.

## MOLTON—

Bills by ; H. 26, p. 145 ; H. 27, 145 ; H. 28, 146 ; H. 29, 146 ; H. 30, 146 ; H. 31, p. 146 ; H. 32, 146 ; H. 113, p. 290 ; H. 114, 290 ; H. 115, 290 ; H. 116, p. 290 ; H. 117, p. 290 ; H. 118, p. 290 ; H. 119, p. 290 ; H. 588, p. 1123 ; H. 802, p. 1957.

## MONUMENT—

Erect of Pickens and Murphy, H. 456, p. 793, 1609.

Erect to Morgan and Pettus, S. 156, p. 2056, 2032, 2215.

## MORROW—

Bills by ; S. J. R. 37, p. 667 ; S. J. R. 57, p. 1198 ; S. J. R. 60.

## MOTION—

Adjourn Sine die, 2760.

## MORGAN COUNTY—

Make appropriation for salvation army, H. 132, p. 295, 490, 538, 542, 892, 911.

To permit and regulate sale of liquor, H. 236, p. 467, 1679.

**MORGAN COUNTY—Continued.**

To work the county convicts on the road, H. 258, p. 499, 584, 849, 1350, 1378.

For working and keeping in repairs the public roads, H. 482, p. 837, 1852.

To repeal an act entitled an act to establish the law and equity court, H. 570, p. 1076, 1355, 1524, 1526, 2301.

To authorize the holding of elections, to determine whether Decatur or New Decatur shall be united, H. 48, p. 158, 873, 935, 999, 1275, 1326, 1532.

To work the convicts on roads, H. 258, p. 499, 870.

Portion of money received from fertilizer tax to be given to schools, H. 493, p. 876, 1027.

To establish the law and equity court, H. 530, p. 971, 530, 1028, 1041; H. 570, 1463; S. 352, p. 1576, 1708.

For relief of Goodrich and Crinkley building roads, H. 671, p. 1438.

**MULKEY—**

Bills by; H. 84, p. 276; H. 185, p. 432; H. 186, p. 433; H. 221, p. 465; H. 251, p. 495; H. 286, p. 528; H. J. R. 46, p. 774; H. 597, p. 1107; H. 598, p. 1170; H. 599, p. 1170; H. 600, p. 1170; H. 601, 1170; H. J. R. 79, p. 1331; H. 651, p. 1356; H. 673, p. 1442; H. R. 99, p. 1541; H. R. 100, p. 1541; H. 101, p. 1598.

**McCURDY—**

Bills by; H. 682, p. 1448; H. 703, p. 1555; H. 811, p. 1963.

**McDONALD—**

Bills by; H. 78, p. 275; H. 148, p. 360; H. 149, p. 360; H. 190, p. 434; H. 191, p. 434; H. 192, p. 435; H. 222, p. 466; H. 223, p. 466; H. 224, p. 466; H. 684, p. 1448.

## McGOWAN—

Bills by ; H. 237, p. 469 ; H. 349, p. 596 ; H. 776, p. 1782.

## McLENDON—

Bills by ; H. 67, p. 173 ; H. R. 19, p. 306 ; H. 240, p. 469 ; H. 250, p. 495 ; H. 269, p. 501 ; H. 460, p. 799 ; H. 461, p. 799 ;  
~~H. 515, p. 920 ; H. 522, p. 958 ; H. 618, p. 1258 ; H. 780,~~  
p. 1788 ; H. 781, p. 1789.

## OPTOMETRY ; DEFINE THE PRACTICE—

Provide for state board of examination, S. 151, p. 772, 916,  
1130, 1198, 2147.

## OLD SOLDIERS' HOME—

(See Confederate Soldiers.)

## O'NEAL—

Bills by ; H. 23, p. 145 ; H. 420, p. 688 ; H. 464, p. 800 ; H. 568,  
p. 1076 ; H. 593, p. 1166 ; H. 606, p. 1174.

## ORGANIZATION—

Og the House of Representatives, p. 3, 4, 5, 18, 20.

## OVERTON—

Bills by ; H. 16, p. 144 ; H. 179, p. 421 ; H. 723, p. 1572.

## PAGE—

Bills by ; Resolution, p. 6, H. 17, p. 144 ; H. 96, p. 286 ; H. 97,  
p. 286 ; H. 98, p. 286 ; H. 99, p. 286 ; H. R. 24, p. 308 ; H.  
145, p. 359 ; H. 248, p. 495 ; H. 272, p. 525 ; H. 273, p. 575 ;  
H. 397, p. 676 ; H. 332, p. 590 ; H. R. 45, p. 773 ; H. 542,  
p. 994 ; H. 616, p. 256.

## PARKS—

Bills by; H. 66, p. 173; H. 76, p. 275; H. 75, p. 275; H. 146, p. 359; H. 376, p. 616; H. 474, p. 802; H. 541, p. 992; H. 556, p. 1032; H. 576, p. 1080, H. 587, p. 1122; H. 773, p. 1779; H. 774, p. 1781; H. R. 12, p. 79; H. R. 14, p. 126, H. 289, p. 530; H. 311, p. 559; H. 428, p. 715.

## PEGRAM—

Bills by; H. 36, p. 147; H. 142, p. 300; H. 199, p. 437; H. 465, p. 801; H. 466, p. 801; H. 467, p. 801; H. 468, p. 801; H. 499, p. 879; H. 516, p. 923; H. 538, p. 978; H. 636, p. 1273; H. 678, p. 1444; H. 679, p. 1445; H. 680, p. 1445; H. 681, p. 1448; H. 715, p. 1563; H. 716, p. 1564; H. 718, p. 1566; H. 719, p. 1567; H. 721, p. 1572; H. 734, p. 1615; H. 739, p. 1619; H. 748, p. 1679.

## PERCEY—

Bills by; H. 107, p. 289; H. 108, p. 290; H. 109, p. 290; H. 110, p. 290; H. 111, p. 290; H. 112, p. 290; H. 188, p. 433; H. 193, p. 436; H. 194, p. 436; H. 195, p. 436; H. 384, p. 648; H. 385, p. 648; H. 388, p. 649.

## PERRY COUNTY—

To vacate certain streets in Marion, H. 733, p. 1613, 1866; S. 413, p. 1802, 1867, 2112, 2187.

To authorize white school Marion and Uniontown, to adopt a curriculum of study, S. 384, p. 1901, 2469.

## PHARR—

Bills by; H. 497, p. 879.

## PICKENS COUNTY—

Prohibit sale of liquor, etc., S. 33, p. 1043, 1433.

Establish court of records, H. 817, p. 1972, 2055; S. 484, p. 2284, 2341.

## PIKE COUNTY—

Validate claims, witnesses in criminal cases, (Lusk Bill) H. 607, p. 1176, 1507.

Regulate registering claims against fine and forfeiture fund, H. 608, p. 1177, 1506.

~~PITTMAN~~

H. 74, p. 269; H. 182, p. 424; H. 183, p. 426, 646.

## PITTS—

Bills by; Pages 7, 10, 11; H. R. 6, p. 20; H. 18, p. 144; H. 19, p. 144; H. 20, p. 144; H. 138, p. 298; H. 218, p. 465; H. 275, p. 527; H. 276, p. 527; H. 277, p. 527; H. 278, p. 527; H. 278, p. 527; H. 279, p. 527; H. R. 32, p. 540; H. 381, p. 648; H. J. R. 53, p. 906; H. 581, p. 1120; H. R. 90, p. 1431; H. 729, p. 1612; H. 740, p. 1620; H. 767, p. 1775; H. 779, p. 1787.

## PLUMBERS—

Establish board and provide examination, H. 571, p. 1077, 1876; S. 316, p. 1323, 1708, 2562.

## POLL TAX—

(See Tax and Taxation.)

## POOL ROOM—

Prohibit the running outside police jurisdiction, S. 110, p. 729, 1119, 1120.

## PRESTON—

Bills by; H. 456, p. 793; H. 540, p. 980; H. 765, p. 1772; H. 674, p. 1442; H.

## PROBATE JUDGES—

- Compensation for preparation poll lists, H. 2, p. 21, 284, 493, 847, 870.
- Make condensed record of registered voters, H. 148, p. 360, 646, 1049; S. 70, p. 872, 1671.
- How elections shall be contested, H. 71, p. 392, 584, 872.
- Provide compensation for list of voters, S. 81, p. 872, 1671, 2560, 2742.
- Provide for recording of decrees, affecting real estate, penalty for failure, H. 528, p. 971, 1869.
- For the reimbursement of postage stamps, S. 126, p. 1139.
- Deprive probate courts of jurisdiction to sell for division or partition of lands, H. 548, p. 1030.
- Discharging of administrators and executors of final settlements, H. 604, p. 1172, 1256.
- Confer jurisdiction upon courts, where claims are barred or not, H. 679, p. 1445.

## PROHIBITION—

(See Liquor.)

## PUBLIC OFFICERS—

- Prohibit from accepting other employment, S. 247, p. 1136, 1354, 2468.
- Prohibit federal officer holders serving as a member of any political committee, S. 259, p. 1173, 1950.

## PUBLIC HEALTH—

- Authorize purchase of anti-toxin, H. 53, p. 161, 484.
- Regulate the conduct of public laundries and wash-houses, H. 192, p. 535, 504.
- Provide for the report of deaths and penalty for failure, H. 269, p. 501, 587, 1001, 1040, 2111, 2198.



## PUBLIC HEALTH—Continued.

Prohibit the giving away of soft drinks containing injurious drugs, H. 330, p. 588, 739.

Requiring the killing of cows, affected with tuberculosis, H. 341, p. 594; H. 461, p. 799; H. 618, p. 1258, 1606; S. 193, p. 2332, 2339, 2644, 2716, 2717.

~~Prohibit the use of common drinking cups, H. 641, p. 1318, 1609.~~

To aid the work of tick eradication, and the suppression of cholera, H. 744, p. 1678, 1716; S. 445, p. 2284, 2341, 2442.

Suppress rabbies amongst dogs, H. 764, p. 1771, 1863.

Provide location for hospitals, and penalties, S. 397, p. 1857. 1864, 2712, 2738.

## PUBLIC SCHOOL—

(See Schools and Colleges.)

## PUBLIC ROADS AND BRIDGES—

For better construction of roads in Clay county, H. 540, p. 981, 1069, 1472, 1517, 1900, 1912.

Prohibit persons under 18 operating automobiles, H. 51, p. 161.

Relieve all persons other than convicts from working roads, H. 109, p. 290, 354.

For the construction and protection of roads, Macon county, H. 151, p. 362, 1135, 522, 634, 670, 1157, 1203.

For efficient roads of St. Clair county, H. 391, p. 675, 1028, 491, 624, 671, 907, 999, 1008, 1010, 1047, 1157, 1225, 1239, 1326.

Negotiations of county to borrow money, H. 600, p. 1170, 1353, 1541, 1920, 1984, 2570.

Prohibit the fast driving across bridges, H. 615, p. 1220, 1506.

Prohibit or offering for sale goods on the public roads, or lands of another, S. 162, p. 1042, 1407, 2649, 2702.

## PURCHASES—

Protect bona fide real estate, H. 229, p. 476, 1712.

Protect judiciary sales, H. 231, p. 467, 1713.

## QUINN—

Bills by; H. 366, p. 616; H. 521, p. 958; H. 760, p. 1721; H. 801, p. 1955.

## RAIROADS—

To appropriate to the use of Mobile and West Ala. R. R. two and three per cent fund, H. 42, p. 148, 1509; S. 321, p. 2031, 2056, 2117, 2316, 2405, 2433, 2437, 2735, 2741.

Maximum amount for doing business by municipalities, H. 218, p. 465.

Prevent trains from being wrecked, H. 278, p. 527, 1502, 2013, 2462, 2483.

To require head-lights, H. 281, p. 527; H. 383, p. 648, 1028, 1041, 1064; H. 281, p. 694.

To refund for burned tags to the Western Ry., H. 299, p. 552, 1117.

Provide for railway policemen, S. 141, p. 614, 645, 683, 892, 910, 1109, 1155; S. 342, p. 1367, 1505, 2492, 2522.

Public drinking on R. R. misdemeanor, H. 426, p. 715, 1435, 2206, 2427, 2485.

Unawful to sell persons tickets in intoxicated condition, H. 427, p. 715, 1435.

Authorize to sell unclaimed freight, H. 435, p. 737, 833, 1019, 435, 1040, 2485.

Safe transportation of explosive articles, H. 595, p. 1168.

## RAILROAD COMMISSION—

To enlarge the powers, H. 419, p. 687, 1408, 1978.

Prohibit the R. R. commissioners from changing rates, H. 552, p. 1030.

## RANDOLPH COUNTY—

Appropriation for high school, H. 413, p. 687, 2289, 2307, 2747.

Prohibit stock from running at large, H. 653, p. 1356, 1877.

## RELIEF—

Of Walter D. Windham, S. 34, p. 511, 585, 866, 889.

Of Mary Gassett, H. 290, p. 530, 1407, 2412, 2610, 2755.

Of Mary Sasser, H. 331, p. 588, 1642, 1871, 2123, 2435.

Of certain corporations having paid franchise tax, H. 379, p. 648.

Of Walter Jones, Adm., H. 512, p. 920, 1119, 1978, 2403, 2657, 2700.

Of C. M. Caldwell, H. 533, p. 972.

Of J. W. Autrey, H. 546, p. 1029, 1020, 1437, 1366, 1666, 1667.

Of Zeder Stuckey, H. 587, p. 1122, 1507.

Of Andrew Gray, H. 593, p. 1166, 1605, 1849, 1917, 2307, 2386.

Of Goodrich & Crinkley of public roads of Morgan, H. 671, p. 1438, 2062.

Of Mrs. Prasby Hodges, S. 336, p. 1455, 1673, 1839, 2002, 2217.

Of J. D. Cromer, S. 330, p. 1513, 1716.

Of Gridwell Brothers, H. 720, p. 1570, 1716, 2328, 2549, 2576, 2593, 2614, 2756.

Of Simon Marx, H. 152, p. 363, 524, 1670, 1855, 1918, 2434, 2482.

Of Bradley, H. 788, p. 1799, 2449, 2657, 2752.

Of Edgar Bass of fine and forfeiture fund Monroe Co., H. 821, p. 2069, 2244.

Of W. S. Grant, sheriff, S. 389, p. 2245, 2282.

Of W. S. Grant, sheriff, S. 387, p. 2261, 2341.

## REAL ESTATE—

Protect bona fide purchasers, H. 229, p. 467.

## RECOMMITTAL OF BILLS—

H. 69, p. 280; H. 50, p. 280; H. 52, p. 280; H. 14, p. 353; H. 84, p. 443; H. 107, p. 443; H. 17, p. 443; H. 53, p. 484; H. 223, p. 504; H. 243, p. 640; H. 244, p. 640; H. 288, p. 694; H. 171, p. 872.

## RESOLUTIONS—

R. p. 6; R. p. 18; H. R. 7, p. 72; H. R. 8, p. 73; H. R. 9, p. 74; H. R. 11, p. 78; H. R. 12, p. 79; H. R. 13, p. 99; H. R. 14, p. 126; H. R. 16, p. 175; H. R. 17, p. 279; H. R. 18, p. 280; H. R. 19, p. 306; H. R. 20, p. 306; H. R. 21, p. 306; H. R. 23, p. 307; H. R. 16, p. 308; H. R. 24, p. 308; H. R. 26, p. 452; H. R. 27, p. 464; H. R. 19, p. 465; H. R. 28, p. 470; H. R. 31, p. 405; H. R. 32, p. 540; H. R. 35, p. 582; H. R. 36, p. 608; H. R. 38, p. 630; H. R. 39, p. 638; H. R. 376, p., H. R. 40, p. 641; H. R. 41, p. 641; H. R. 42, p. 673; H. R. 45, p. 773; H. R. 48, p. 873, 1006; H. R. 49, p. 888; H. R. 50, p. 889; H. R. 51, p. 906; H. R. 54, p. 907; H. R. 56, p. 955; H. R. 57, p. 965; H. R. 62, p. 1036; H. R. 63, p. 1036; H. R. 75, p. 1163; H. R. 77, p. 1282; H. R. 78, p. 1314, 1350; H. R. 83, p. 1402; H. R. 68, p. 1405; H. R. 88, p. 1430; H. R. 89, p. 1431; H. R. 90, p. 1431, p. 1463; H. R. 91, p. 1431; H. R. 92, p. 1464; H. R. 93, p. 1464; H. R. 95, p. 1499; H. R. 96, p. 1499; H. R. 97, p. 1524; H. R. 8, p. 1541; H. R. 99, p. 1541; H. R. 101, p. 1598; H. R. 110, p. 1666; H. R. 111, p. 1706; H. R. 114, p. 1977; H. R. 116, p. 2022; H. R. 117, p. 2093; H. R. 118, p. 2180; H. R. 120, p. 2246; H. R. 121, p. 2246; H. R. 128, p. 2469; H. R. 129, p. 2482; H. R. 130, p. 2758; H. R. 66, p. 1068; H. R. 47, p. 884; H. R. 69, p. 1097; H. R. 70, p. 1098; H. R. 76, p. 128; H. R. 103, p. 1064; H. R. 104, p. 1604; H. R. 105, p. 1604; H. R. 106, p. 1605; H. R. 107, p. 1605; H. R. 108, p. 1605; H. R. 113, p. 1823.

## RESOLUTIONS, JOINT—

S. J. R. 9, p. 482, 406; S. J. R. 6, p. 101; S. J. R. 7, p. 101;  
 S. J. R. 8, p. 102; S. J. R. 10, p. 125; S. J. R. 12, p. 130;  
 S. J. R. 13, p. 131; S. J. R. 14, p. 132, 133; H. J. R. 15,  
 p. 127; H. J. R. 16, p. 178; H. J. R. 18, p. 309; H. J. R.  
 8, p. 353; S. J. R. 21, p. 394, 395; H. J. R. 25, p. 404,  
~~500; S. J. R. 2, p. 456; H. J. R. 20, p. 484, 485; S. J. R.~~  
 28, p. 506; S. J. R. 29, p. 506; H. J. R. 33, p. 541; S. J.  
 R. 31, p. 580; H. J. R. 34, p. 575; S. J. R. 37, p. 667;  
 H. J. R. 37, p. 623; H. J. R. 43, p. 674; H. J. R. 20, p.  
 772, 789; S. J. R. 39, p. 773; S. J. R. 43, p. 778; S. J.  
 R. 45, p. 810, 868; S. J. R. 52, p. 999; H. J. R. 46, p.  
 774, 776; H. J. R. 52, p. 906, 952; H. J. R. 53, p. 906,  
 953; H. J. R. 55, p. 907; H. J. R. 59, p. 957; H. J. R.  
 54, p. 1036; H. J. R. 72, p. 1148, 1157; H. J. R. 84, p.  
 1402; H. J. R. 85, p. 1402; H. J. R. 87, p. 1405; S. J.  
 R. 43, 37, 29, 28, 13, p. 2448; R. p. 1001, 1003; H. J. R.  
 60, p. 1006; H. J. R. 61, p. 1035, 1098; S. J. R. 54, p.  
 1048; H. J. R. 65, p. 1068; H. J. R. 67, p. 1067, 1905;  
 H. J. R. 74, p. 1163; H. J. R. 68, p. 1212; H. J. R. 69, p.  
 1213; S. J. R. 74, p. 1255; S. R. 65, p. 1284; H. J.  
 R. 77, p. 1300; H. J. R. 79, p. 1314, 1331, 1350, 2076;  
 H. J. R. 81, p. 1353, 1379, 1388; S. J. R. 73, p. 1459;  
 H. J. R. 102, p. 1603; S. J. R. 91, p. 1802; S. J. R. 21, p.  
 1821; S. J. R. 112, p. 193, 2004; S. J. R. 114, p. 2025;  
 H. J. R. 116, p. 2048; S. J. R. 122, p. 2173; S. J. R. 126,  
 p. 2214; H. J. R. p. 2253, 2745; S. J. R. p. 2281; S.  
 J. R. 132, p. 2406; S. J. R. 137, p. 2446; H. J. R. p. 2542;  
 S. J. R. 139, p. 2555; S. J. R. 140, p. 2610; S. J. R. 141,  
 p. 2725; S. J. R. 142, p. 2741; S. J. R. p. 1734; 1735;  
 H. J. R. 115, p. 1977.

## RESTAURANTS—

(See Hotels.)

## REVENUE LAW—

Repeal Sub. 84½ and 12, H. 59, p. 166, 519; H. 342, p. 594, 695, 835, 2067.

Provide for revenue law, H. 430, p. 724.

Provide for revenue law and adopt code, H. 635, p. 1273.

Further amend the revenue laws, H. 691, p. 1510, 1601, 1604, 1643, 1646, 1689, 1702, 1735, 1932, 2040, 2088, 2170.

## REVISION OF LAWS—

To create liens, in laundering, cleaning and dying, H. 78, p. 275.

Prohibit the admission of confession and method by which they may be legal, H. 560, p. 1032.

Authorize recovery of growing and ungrown crops in detinue, S. 168, p. 1180, 2053.

For the transfer of criminal prosecutions where courts are abolished, H. 642, p. 1318, 1502.

Provide bail in felony cases, H. 670, p. 1437, 1502, 2396, 2619, 2754.

Secure uniformity in assessment of tax property, H. 681, p. 1448.

Purchase automobiles for certain counties, road inspection, H. 684, p. 1448.

Fix time of holding courts in certain counties, S. 409, p. 1668.

Settlement of claims for lands bought after the war, title held invalid, H. 802, p. 1957; S. 461, p. 2035, 2062, 2063.

Regulate the inspection illuminates in mines, S. 444, p. 2030, 2051, 2544, 2705, 2717.

Authorize defendants to demand indictment in crap games, S. 281, p. 2039, 2063.

Define and prohibit the white slave traffic, S. 287, p. 2043, 2246.

Regulate adverse possession of mineral lands and operate statute of limitations, S. 419, p. 2216, 2341.

## RICE—

Bills by; H. 72, p. 841; H. 135, p. 298; H. 136, p. 298; H. 137, p. 298; H. 139, p. 300; H. 171, p. 392; H. 161, p. 500; H. 162, p. 500; H. 163, p. 500; H. 164, p. 501; H. 328, p. 572; H. 357, p. 598; H. R. 35, p. 608; H. 415, p. 687; H. 446, p. 766; H. 447, p. 767; H. 583, p. 1122; ~~H. 584, p. 1122; H. 585, p. 1122; H. 586, p. 1122; H. 615,~~ p. 1222; H. 634, p. 1268; H. 638, p. 1317; H. 639, p. 1318; H. 640, p. 1318; H. 711, p. 1561; H. 711, p. 1561; H. 713, p. 1561.

## RICHESON—

Bills by; H. 21, p. 144; H. 77, p. 275; H. 219, p. 446; H. 220, p. 465; H. 284, p. 528; H. 553, p. 1031; H. 591, p. 1166; H. 592, p. 1166; H. 686, p. 1509; H. 700, p. 1552; H. 701, p. 1553; H. R. 107, p. 1605; H. 750, p. 1718.

## ROBERSON—

Bills by; H. 169, p. 389; H. 295, p. 531; H. 346, p. 595; H. 347, p. 595; H. 348, p. 596; H. 445, p. 766; H. 532, p. 972; H. 626, p. 1263; H. 693, p. 1512.

## RUSSELL COUNTY—

Prohibit the manufacture, or sale of liquor, H. 677, p. 1442, 1709, 2603.  
Time of and place of holding county court, H. 812, p. 1963, 2054, 2233, 2498, 2749.  
Time and place of holding court for commissioners, H. 813, p. 1964, 2054, 2234, 2498, 2749.  
Require jury commissioners to prepare boxes for jurors, H. 814, p. 1966, 2055, 2236, 2499.  
Establish additional circuits, H. 815, p. 1967, 2055, 2227, 2548, 2577, 2749.  
Require probate judge hold office in Seale City, H. 16, p. 1970, 2054, 2237, 2657, 2754.

## RULES—

Appointment of standing committees, p. 21.

Absence of chairman who shall preside, R. 60, p. 1113.

That H. 691 be made special order, H. R. 105, p. 1643.

That H. 681, 477, 558, 249, 431, 279, 278, 235, 327, H. R. 109,  
p. 1633.

## RYLANCE—

Bills by; H. 1, p. 15; H. 52, p. 161; H. 53, p. 161; H. 54, p. 162;  
H. 55, p. 163; H. 156, p. 165; H. 57, p. 165; H. 58, p.  
166; H. 87, p. 277; H. 134, p. 297; H. 209, p. 439; H.  
210, p. 439; H. 211, p. 440; H. 212, p. 430; H. 296, p.  
531; H. 325, p. 572; H. 350, p. 596; H. 414, p. 687; H.  
533, p. 972; H. 577, p. 1088; H. 596, p. 1168; H. 604, p.  
1172; H. 660, p. 1360; H. 732, p. 1572; H. 745, p. 1676;  
H. J. R. 74, p. 1163, 1255.

## SALARIES—

Regulate the assignment of earned and unearned salaries,  
H. 141, p. 300; H. 40, p. 147; H. 316, p. 567, 694, 928,  
1040, 1071, 2103, 2199.

Exempt salaries from garnishment, H. 193, p. 436.

Deduction of salaries, public officers for neglect of duty, H.  
364, p. 615, 1119.

Fix salaries judges law and equity court and other courts,  
H. 696, p. 1547.

## SANDERS—

Bills by; H. 488, p. 841; H. R. 11, p. ---; H. 344, p. 594; H.  
345, p. 595; H. 488, p. 841; H. R. 96, p. 1499.

## COTTON SEED—

Regulate sale, H. 577, p. 1080, 431.

Prohibit the transportation of seed from boll weevil district,  
H. 184, p. 432, 521, 633, 915, 1200, 1223, 2198.



## SECRETARY OF STATE—

Have House and Senate Journals bound, H. 589, p. 1164, 1407; H. J. R. 115, p. 1977.

Authorize introduction of copies of tract lands books show disposition made of its lands, S. 283, p. 1733.

## SHELBY COUNTY—

To establish board of revenue and abolish commissioners, S. 293, p. 1084, 1434, 1533, 1634.

Provide for the working, control, etc., of public roads, H. 603, p. 1171, 1500, 1638, 1666, 2516, 2748.

Authorize to issue warrants, H. 710, p. 1560, 1672, 1919, 1984, 2486.

Amend an act to establish county court, H. 727, p. 1611, 1950.

## SCHOOLS AND COLLEGES—

To appropriate for the Frances E. Willard, at Piedmont, H. 12, p. 143, 1683.

Build, repair, and equip rural school houses, H. 21, p. 144, 1027.

Amend section 3, provide for the establishment of high schools, H. 63, p. 172, 1507.

Better maintenance, H. 77, p. 277, 1027, 1635.

Additional buildings for school at Florence, H. 120, p. 290; S. 435, p. 2056, 2503, 2574.

For the support and maintenance of Industrial school at Camphill, H. 134, p. 297, 1544, 2394, 2657, 252.

To exempt graduates from State normal colleges from standing examination, H. 57, p. 383; H. 157, p. 523.

For the Mercey Home Industrial School, appropriation, H. 195, p. 436; S. J. R. p. 667; H. 384, p. 1542, 1546, 2463.

For the support of public schools, H. 268, p. 501, 1509.

## SCHOOLS AND COLLEGES—Continued.

- Regulate the bequest of James Wallace, S. 29, p. 512, 933.
- Better maintenance of public schools, H. 284, 1504, 1605.
- For equipment of rural schools, H. 301, p. 552, 873, 1153, 1179, 2141, 2259.
- For State normal college at Troy, H. 363, p. 599; S. 181, p. 1909, 1952, 2385.
- For each high school heretofore established, H. 366, p. 616, 1547.
- For school not heretofore had appropriation, H. 398, p. 676, 1547.
- For school in Henry County, H. 401, p. 676.
- Create a board of trustees for normal schools, H. 407, p. 677.
- Appropriation for high schools Randolph County, H. 413, p. 687, 1543, 2103, 2506.
- Appropriation for school at Blountsville, H. 504, p. 882, 1545, 1951.
- Appropriation for school at Albertville, H. 507, p. 882, 1545.
- Compel attendance of children at school, and exempt from tuition, H. 329, p. 588, 915.
- Empower patrons to nominate teachers for district school, H. 518, p. 957.
- Authorize sale of lands for school purposes, H. 217, p. 465, 1118, 2404, 2658, 2753.
- Who entitled to instructions in public schools, S. 104, p. 1183, 1500.
- For school at Lineville, H. 674, p. 1442, 1542, 1763, 1801, 2075, 2087.
- For the support of several schools of the state, H. 612, p. 1216, 1507.
- Regulate charges receiving appropriations, H. 611, p. 1216.
- Provide for the further maintenance, H. 612, p. 1216.

## SCHOOLS AND COLLEGES—Continued.

For school at Wetumpka, H. 668, p. 1411, 2303, 2716, 2728, 2731, 2750.

Create a board of trustees for several normal schools, H. 724, p. 1572, 1607, 2408, 2655, 2753.

For the deaf and blind school, H. 742, p. 1676, 1770; S. 39, p. 1891, 2106.

For the school at Hamilton, S. 19, p. 182, 1872, 2079, 2147, 2275, 2408.

For school at Jacksonville, S. 25, p. 1857, 1871, 2097, 2240, 2504, 2635.

Better equipped school for Daphne, H. 804, p. 1959; S. 463, p. 2085, 2177, 2385.

For the interest of the public school and public debt, H. 365, p. 616, 1117; S. 27, p. 1288, 1407, 1599, 1634, 1978, 2020.

For school at Albertville, appro., S. 276, p. 256, 2014, 2524, 2743, 2177, 2387, 2442.

For the payment and establishment of rural schools, S. 222, p. 2035, 2057, 2479, 2522.

For Alabama Agriculture School, Henry County, S. 226, p. 2035, 2056, 2270, 2406.

Establish school for Juvenile Delinquents, S. 46, p. 2084, 2179, 2263, 2436; H. 238, p. 469, 1504, 2076, 2078, 2483.

For S. W. Alabama Agricultural School, S. 396, p. 2085, 2177, 2563; S. 396, p. 2537, 2744.

For Alabama Industrial School, appro., H. 126, p. 292, 1542, 2205, 2416, 2483.

Provide for Alabama Home of Refuge, H. 222, p. 466, 1543, 2219.

Amend an Act for Alabama Industrial School (boys), S. 383, p. 2290, 2342.

For school at Blountsville, S. 278, p. 1910, 1951, 2293, 2407, 2574.

## SCHOOLS AND COLLEGES—Continued.

For school at Troy, S. 181, p. 1909, 1952, 2388, 2497.

For school at Moundville, S. 432, p. 1909, 1952, 2417, 2448.

For improvement of Alabama Girls' Technical Institute, S. 190, p. 1910, 1951, 2457, 2462, 2497.

Alabama Industrial Technical Institute for boys, S. 206, p. 2008, 2057, 2474, 2502, 2573.

For Mercey Home Industrial School at Birmingham, H. 195, p. 433; H. 384, p. 648, 1542, 1546, 2207, 2463, 2483, 2754.

For Alabama Industrial School, H. 127, p. 292, 1544, 1930, 1983, 2215, 2259, 2508, 2745; H. 126, p. 292, 1542, 2205, 2416, 2482, 2601, 2621.

## SLOT MACHINES—

Provide for the operating, H. 337, p. 592, 1119.

## SMITH—

Bills by, H. 45, p. 150; H. 46, p. 154; H. 47, p. 158; H. J. R. 16, p. 178; H. 82, p. 276; H. 83, p. 276; H. 89, p. 277; H. 131, p. 295; H. 202, p. 437; H. 238, p. 469; H. 322, p. 570; H. 323, p. 571; H. 358, p. 598; H. 373, p. 617; H. R. 40, p. 641; H. 470, p. 801; H. 538, p. 979; H. 563, p. 1034; H. 564, p. 1065; H. R. 103, p. 1604; H. 675, p. 1448; H. 691, p. 1510; H. 726, p. 1610; H. 771, p. 1779.

## SOLICITORS—

To fix the fees and commissions deputy collector Butler County, H. 11, p. 142.

Fix salaries who have five or more counties, H. 581, p. 1120.

## SOCIETIES—

Regulate and control fraternal, H. 445, p. 766, 916, 1463, 2425, 2700.

## STATE AUDITOR—

To draw warrants, than other provided for, S. 468, p. 2177.

## STATE BOARD OF REVENUE—

To create a board, H. 721, p. 1572, 2064; S. 414, p. 1752.

## STATE TAX COMMISSION—

To prohibit members of state and county tax commission from acting agents or attorneys for another. H. 145, p. 359, 584, 858, 871, 1275, 1378.

## ST. CLAIR COUNTY—

To provide a more efficient system for building roads, H. 169, 491, 624, 671, 907, 999, 1008, 1010, 1047, 1157, 1225, 1239, 1326.

Provide for sales of mortgages on real property, H. 347, p. 595, 704, 950, 999, 1276, 1271.

Allow the circuit clerk an assistant during court, H. 477, p. 835, 1506; H. 626, p. 1263, 1501, 1834, 1918.

Dissolve the corporate limits of Coal City, H. 693, p. 1512, 1714, 1838, 1918, 2289, 2308, 2708.

Establish line between St. Clair and Blount, H. 743, p. 1676.

## STATE AND COUNTY OFFICERS—

Regulate costs and expenses for nomination to office, H. 599, p. 1170, 2063.

Provide a commission, devise uniform system bookkeeping, penalty for failure, H. 106, p. 289, p. 436.

To rent offices in the city of Montgomery, not ample room in Capitol, S. 348, p. 1910, 1950.

Secure efficient and consistent services, H. 438, p. 761, 931, 997.

## STATE BOARD OF MEDITATION—

To establish, provide for submission, of controversies, H. 144, p. 359, 857, 871, 2110, 2198.

## STOCK LAW—

Provide for election, and provide for penalties, H. 594, p. 1168, 1256.

Establish, keep repair, fences in stock law district, H. 597, p. 1170.

Repeal an act to prohibit livestock from running at large H. 776, p. 1782, 1860, 2203, 2434; S. 449, p. 2029, 2223, 2487.

## STATE BOARD OF REGISTRATION—

Establish and examination for civil engineers, mining engineers, H. 741, p. 1676.

## STATE HIGHWAY COMMISSION—

To provide for creation, H. 354, p. 597, 645, 725, 757, 1622, 2086.

## STATE PRISON INSPECTOR—

Provide for creation of office, S. 238, p. 1081, 1673, 2312, 2415, 2433, 2431, 2447.

Further prescribe the duties of, S. 263, p. 1733, 1861, 2733, 2735.

## STREET RAILWAYS—

(See Railroads.)

## STATE TAX COMMISSIONER—

Prohibit changes in the assessment of the valuation of property, H. 185, p. 432.

Secure uniformity in assessment of property increased, appro. for State tax commission, H. 681, p. 1502, 1815.

## STRICKLAND—

Bills by, H. 228, p. 467; H. 312, p. 559; H. 546, p. 1029; H. 753, p. 1718.

## STOLLENWERCK—

Bills by, H. R. 8, p. 73; H. R. 69, p. 174; H. 79, p. 275; H. 60, p. 276; H. R. 18, p. 280; H. 128, p. 293; H. R. 20, p. 306; H. 201, p. 437; H. 216, p. 441; H. 235, p. 467; H. 292, p. 531; H. 318, p. 568; H. 319, p. 568; H. 320, p. 569; H. 321, p. 569; H. 412, p. 687; H. J. R. 20, p. 772; H. 469, p. 801; H. 526, p. 970; H. 577, p. 976; H. 528, p. 971; H. 529, p. 971; H. 545, p. 1029; H. 641, p. 1318; H. J. R. 102; p. 1603; H. 655, p. 1358; H. 661, p. 1360; H. 738, p. 1617; H. 808, p. 961.

## STURDIVANT—

Bills by: H. 50, p. 161; H. 51, p. 161; H. 603, p. 1171; H. 710, p. 1560; H. 727, p. 1611.

## SULLIVAN—

Bills by: H. 41, p. 147; H. 42, p. 148; H. 229, p. 467; H. 156, p. 368; H. 230, p. 467; H. 231, p. 467; H. 232, p. 467; H. 233, p. 467; H. 234, p. 467; H. 339, p. 592; H. 340, p. 593; H. 341, p. 594; H. 624, p. 1262; H. 705, p. 1555; H. 706, p. 1558; H. 745, p. 1678; H. 746, p. 1678; H. 747, p. 1678; H. 784, p. 1792.

## SUMTER COUNTY—

Appropriation for Alabama Normal School, H. 349, p. 596, 1545.

Private sale of barter, exchange liquor, S. 35, p. 1432.

To prohibit stock from running at large, S. 7083, S. 95, p. 543, 834, 1064, 1127, 1483, 1483, 1634; H. 776, p. 1782, 1860, 2137, 2203, 2434; S. 449, 2029, 2051, 2223, 2259.

For Alabama Normal College, S. 52, p. 1910, 2251, 2281, 2407, 2486, 2525, 2742.

## SUPERINTENDENT OF EDUCATION—

Fix compensation of, H. 244, p. 494; S. 29, p. 515, 521, 523, 738, 1228, 1234, 1273, 2200, 1083, 1204.

Authorize and require accurate statistics of schools, S. 266, p. 2198.

## SUPREME COURT—

Regulate proceedings for reversals, H. 261, p. 500, 874, 1209, 1224, 2553, 2600, 2620, 2753, 2501.

Regulate the nomination of judges, H. 601, p. 1170, 1354, 1541, 2445.

Regulate the presentation and signing of bill of exceptions, H. 639, p. 1813, 1713; S. 355, p. 2144, 2467.

Fix salary of reporter of decisions, provide a stenographer for, and fix his salary, S. 78, p. 1367, 1717; S. 443, p. 2144, 2177, 2702, 2717; H. 758, p. 1720, 2059.

Regulate appeals, S. 412, p. 1910, 1951, 2721, 2731, 2732, 2739.

## SURVEY—

Provide for survey and map of Alabama, H. 135, p. 298, 647; S. 340, p. 2035, 2666.

Perpetuate in a uniform system U. S. Survey of lands, H. 164, p. 388, 1874, 1877; H. 165, p. 388.

Establish a board of registration, H. 414, p. 687, 1070.

Establish of registration, providing and licensing county surveyors, H. 495, p. 877.

## TAXES AND TAXATION—

On dogs, H. 43, p. 148; H. 44, p. 149, 519, 785, 792.

On tailors and tailoring companies, H. 49, p. 162, 2058, 2203.

Registration, and licensing of motor vehicles, H. 79, p. 275, 1025, 1402, 1469, 1591, 1662, 2157, 2198, 2513, 2549, 2745.



## TAXES AND TAXATION—Continued.

Prohibit municipal authorities from collecting tax on traveling salesman, H. 80, p. 276.

To exempt general deposits from taxation, H. 101, p. 288, 493.

Regulate assessment, collection and levy of municipal taxes, H. 115, p. 299, 1070, 1833, 1406, 1757, 1868, 1758.

Limit for the enforcement of liens created by taxes, H. 234, p. 467, 1712.

Fix minimum amount by municipals to collect against railroads, H. 235, p. 467, 578, 2022.

To better enforce collection of license tax, H. 309, p. 558, 647, 855, 870, 1123.

Levy and collect special tax for schools, H. 350, p. 596, 663, 1158.

Exempt of members of fire companies from poll tax, H. 393, p. 675, 1025, 1151, 1179.

Refund corporation domestic tax, H. 400, p. 676, 1027.

Basis of assessment of value property, S. 35, p. 772, 917.

Prohibit the changing of taxes, H. 185, p. 432, 1025.

Provide for the refunding of taxes erroneously collected, S. 212, p. 1139, 1674, 1765, 1857, 2001, 2257, 2735, 2739.

Steamship companies exempt from taxes, H. 620, p. 1258, 1876.

More efficient system, assessment, equalizing and collection of taxes, H. 636, p. 1273, 2061.

Secure uniformity in assessment of property, H. 681, p. 1448, 1502, 1815, 1816, 1912.

License of nurses, H. 731, p. 1613, 2076.

Impose tax on dogs in Marengo, H. 739, p. 1619, 1866, 2225, 2549, 2748.

Amount of license tax to be paid by dispensaries, H. 820, p. 2068.

Private arrangement of real estate, H. 555, p. 1032, 1877.

## TAX COLLECTORS—

Fix penalty for violation, S. 2078; H. 770, p. 1779, 1860; H. 570, p. 2330.

## TALLADEGA COUNTY—

Fix the salary of the judge of the city court and fix the payment, H. 133, p. 296; S. 40, p. 510, 647, 945, 1000, 1212.

Better construction of public roads, S. 203, p. 811, 1024; S. 1245, 1460.

## TALLAPOOSA COUNTY—

Prohibit the running of pool room, box ball alley, etc., H. 54, p. 162, 282, 369, 407, 516, 454, 545, 605, 615, 649.

Provide for the prosecution of misdemeanors, H. 55, p. 163, 834.

Authorize court of county commissioners to borrow money, H. 57, p. 165, 282, 398; H. 780, 790, 1037, 1148.

Provide for the improvement of bridges and roads, H. 71, p. 180, 491, 534, 542, 780, 781, 790, 956, 1001, 1009.

To constitute the city of Dadeville a separate school district, H. 210, p. 439, 834.

## TEACHERS—

Provide for the holding of teachers institute, H. 211, p. 440, 1542, 2392, 2652, 2752.

## TELEPHONE COMPANIES—

Require to make connections with all telephone lines, H. 554, p. 1032.

## TELEGRAPH COMPANIES—

Prescribe the duties of and fix penalties, H. 676, p. 1442, 1717.

**THOMAS—**

Bills by : H. 143, p. 358 ; H. 174, p. 412 ; H. 175, p. 412 ; H. 648, p. 1355 ; H. R. 98, p. 1541.

**TRAINED NURSES—**

Authorize institutions to confer diplomas to graduates, S. 442, p. 2032, 2051, 2521, 2575.

**TWO AND THREE PER CENT FUND—**

For the federal road Butler County, H. 167, p. 389, 1509.

For the Tennessee Ala. & Northern R. R., H. 237, p. 469, 1508 ; S. 321, p. 2031, 2056, 2137 ; S. 321, p. 2405, 2433, 2437, 2735, 2741.

For the Montgomery & Chattanooga R. R., H. 273, p. 617, 1997, 2022, 1504.

For the Mobile and Western Ry., H. 42, p. 148, 1509 ; S. 321, p. 2031, 2056, 2117, 2316, 2405, 2433, 2437, 2735, 2741.

**TUSCALOOSA COUNTY—**

Improvement of public roads, H. 634, p. 1268, 1500, 2202, 2548, 2748.

**UNIVERSITY OF ALABAMA—**

For the better equipment, H. 139, p. 300, 1543 ; S. 64, p. 1732, 1770, 2450, 2462, 2496.

Report of the Board of Trustees, page 310.

Report of the University Land Commissioners, page 326.

**UNITED STATES SENATORS—**

Election of, page 301, 409, 461.

S. J. R., 7, 6, 10, 23, p. 775.

**USURY—**

To regulate the usurious lending of money, H. 111, p. 290, 355, 489, 506.

## VETERINARY—

To regulate the practice, H. 255, p. 497, 582; S. 111, p. 1367, 1431, 2707.

## WALKER COUNTY—

Oath of office by Mr. Hollis Walker, p. 403.

Corona Normal Institute and Experiment Station, H. 448, p. 767, 1544, 2291.

Establish inferior court, H. 633, p. 1267, 1901.

Allow constable, at Beat 13 to appoint deputy, H. 714, p. 1562, 1672, 2115, 2435, 2486, 2543, 2748.

Create office of official stenographer, H. 484, p. 838, 1023, 1092, 1116, 1276, 1327.

Election of solicitor, H. 495, p. 877, p. 1023, 1153, 1179, 1456.

Establish Inferior Court, Precinct No. 1, H. 633, p. 1267, 1354, 1487, 1491, 1518, 1912.

Time of holding circuit court, Walter and Winston, H. 656, p. 1358, 2052.

Time of holding law and equity court, H. 657, p. 1358, 2051.

Amend Walker law and equity court, H. 809, p. 1961, 2052, 2020, 2548, 2576.

## WADDELL—

Bills by, H. 2, p. 21; H. 159, p. 384; H. 206, p. 438; H. 207, p. 439; H. 208, p. 439; H. 356, p. 598; H. 378, p. 649; H. 472, p. 801; H. 473, p. 802; H. 562, p. 1033; H. 654, p. 1358; H. 676, p. 1442; H. 758, p. 1720; H. 673, p. 1771; H. R. 88, p. 1430.

## WAITS—

Bills by, H. 120, p. 290; H. 288, p. 529; H. 407, p. 677; H. 513, p. 922.

## WALDEN—

Bills by, H. 48, p. 158; H. 132, p. 295; H. 293, p. 531; H. 324, p. 572; H. 386, p. 649; H. 436, p. 737; H. 444, p. 766; H. 450, p. 769; H. 671, p. 1438; H. 707, p. 1560; H. 708, p. 1560.

~~WALKER—~~

Bills by, H. 180, p. 422; H. 398, p. 676; H. 399, p. 676; H. 457, p. 796; H. 458, p. 796.

## WASHINGTON COUNTY—

To detach from the 13th circuit, H. 433, pp. 730, 830, 1007, 1546, 1830, 2005, 2021.

Improve the public roads, H. 449, p. 768, 1069, 1492, 1493, 1530, 1808, 1809.

To the election of county commissioners, H. 688, p. 1509.

## WHATLEY—

Bills by, H. 310, p. 558; H. 462, p. 799; H. 523, p. 958; H. 566, p. 1072; H. 567, p. 1074; H. 669, p. 1411.

## WHEELLESS—

Bills by, H. 163, p. 388.

## WILCOX COUNTY—

To abolish fine and forfeiture fund, S. 296, p. 1137, 1221, 1494, 1526.

Provide for funds heretofore paid from fine and forfeiture fund to be paid from general fund, S. 295, p. 1142, 1713, 1854, 2002.

To legalize all acts of county commissioners, S. 294, p. 1143, 1861, 2582, 2743.

Provide for more efficient system of working public roads, S. 349, p. 1527, 1865, 2149.

## WILHITTE—

Bills by, H. 236, p. 467; H. 257, p. 498; H. 258, p. 499; H. 482, p. 837; H. 493, p. 876; H. 530, p. 971; H. 570, p. 1076.

## WILLS—

Affect of decree admitting to probate, H. 233, p. 467, 1712.

## WILLIAMS—

Bills by, H. P. 9, H. 4, p. 133; H. 5, 134; H. 6, p. 134; H. 7, p. 134; H. 88, p. 277; H. R. 17, p. 279; H. 172, p. 392; H. 453, p. 793; H. 510, p. 919; H. 589, p. 1164.

## WITNESSES—

To repeal an act regulating the disbursement of fees, H. 180, p. 422.

Regulate disposition of fees, collected and have not been paid, H. 240, p. 646, 1012, 1040; S. 113, p. 1713, 1180, 2109, 2198.

Fees for professional services, H. 119, p. 290, 641, 355, 803.

Regulate disposition of fees and transfer of witness fees, S. 106, p. 1043, 1873.

## WINSTON COUNTY—

To confer additional jurisdiction on county court, H. 534, p. 974, 1221, 1841, 1919, 2216, 2260.

Time of holding circuit court, H. 656, p. 1358, 2052.

Establish and regulate a dispensary at Haleyville, H. 672, p. 1439, 1710.

## WRIGHT—

Bills by, H. 283, p. 528; H. 489, p. 841; H. 501, p. 879.

## WOODS—

(See Forests.)

## WRITS—

To regulate practice in Supreme Court on dismissal, H. 95,  
p. 286, 357.

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## WRITS OF MANDAMUS—

To regulate the practice in Supreme Court on Dismissal, H.  
95, p. 286, 357.